



Parks, Recreation and Cultural Services/Tree Board

February 27, 2014



**Parks, Recreation and Cultural Services Board
2014 Meeting Schedule**

Date:	Time	Location:
March 26	7:00 p.m.	Shoreline City Hall, Room 303
April 24	7:00 p.m.	Shoreline City Hall, Room 303
May 22	7:00 p.m.	Shoreline City Hall, Room 302
June 26	7:00 p.m.	Shoreline City Hall, Room 303
July 24	6:00 p.m.	Annual Tour of Parks and Facilities
August 28	7:00 p.m.	Shoreline City Hall, Room 303
September 25	7:00 p.m.	Shoreline City Hall, Room 303
October 23	7:00 p.m.	Shoreline City Hall, Room 303
December 4	7:00 p.m.	Shoreline City Hall Room 303



AGENDA

PARKS, RECREATION & CULTURAL SERVICES/TREE BOARD REGULAR MEETING

Thursday, February 27, 2014
7:00 p.m.

Room 303 • Shoreline City Hall
17500 Midvale Ave North

Estimated Time

- | | | |
|------------------------------------|--------|------|
| 1. CALL TO ORDER/ATTENDANCE | | 7:00 |
| 2. APPROVAL OF AGENDA | Action | 7:01 |
| 3. APPROVAL OF MINUTES | Action | 7:02 |
| 4. PUBLIC COMMENT | | 7:03 |

During General Public Comment, members of the public may sign in to address the Board on agenda items or any other topic for three minutes or less, depending on the number of people wishing to speak. PRCS/Tree Board meetings are audio recorded and available to the public.

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|---|------------|------|
| 5. COMMENTS FROM THE BOARD | | 7:06 |
| 6. STAFF REPORT | | 7:10 |
| 7. UNFINISHED BUSINESS | | |
| • Urban Forest Strategic Plan Draft Development | Discussion | 7:30 |
| • 195 th Street Trail | Discussion | 8:15 |
| • Shoreline Pool Assessment | Discussion | 8:30 |
| 8. NEW BUSINESS | | |
| • Approval of Kiosk at Hillwood Park | Action | 8:45 |
| 9. ADJOURNMENT | | 9:00 |

The PRCS/Tree Board meeting is wheelchair accessible. Any person requiring a disability accommodation should contact the City Clerk's Office at 801-2230 in advance for more information. For TTY telephone service call 546-0457.

Dates to Remember

ShoreDog and Shoreline Off-Leash Dog Area User Meeting

- Date: 03/04/2014 07:00 PM - 08:30 PM
- Location: City Hall Room 301

Richmond Beach Saltwater Park Volunteer Work Party Habitat Restoration Project

- Date: 03/08/2014 10:00 AM - 02:00 PM
- Location: Richmond Beach Saltwater Park

Shoreview Off-Leash Dog Area Volunteer Work Party

- Date: 03/08/2014 11:00 AM - 01:00 PM
- Location: Shoreview OLDA

Community Garden Plot Holders Meeting

- Date: 03/18/2014 7:00 PM – 8:00 PM
- Location: City Hall Council Chambers



**Meeting Minutes for the Parks, Recreation
and Cultural Services Board / Tree Board
Regular Meeting**

**January 23, 2014
7:00 p.m.**

**Shoreline City Hall
Room 303**

1. Call to Order/Attendance

The meeting was called to order by Chair Beth at 7:05 p.m.

Park Board Members Present: Katie Beth, John Hoey, Christine Southwick, Betsy Robertson, Kevin McAuliffe, Garry Lingerfelt

Excused absence: Jesse Sycuro

City Staff Present: Dick Deal, Director; Maureen Colaizzi, Parks Projects Coordinator; Kirk Peterson, Parks Maintenance Superintendent; Mary Reidy, Recreation Superintendent; Ros Bird, Public Art Coordinator; Lynn Gabrieli, Administrative Assistant III

2. Approval of Agenda: Chair Beth called for a motion to approve the agenda as written. So moved by Mr. McAuliffe and seconded by Mr. Lingerfelt. The motion carried.

3. Approval of Minutes: Chair Beth called for the motion to approve the December, 2013 minutes as written. So moved by Mr. Lingerfelt and seconded by Mr. Hoey. The motion carried.

4. Public Comment

- Carolyn Ballo, Shoreline, affirmed the Board's attention to wildlife living in Shoreline.
- Janet Way, Shoreline, attended the Urban Forest Strategic Plan Open House. She expressed confusion about the dot exercise and would have preferred a simple messaging strategy. Ms. Way also requested the installation of owl boxes at Paramount Park.
- Vadim Dolgov, Shoreline, requested that the temperature of the pool be lowered to support athletic swimmers.
- Boni Biery, Shoreline, thanked the Board for the work done so far on the Urban Forest Strategic Plan and requested that the public comments be captured and made available to the public prior to the February meeting.

5. Comments from the Board

- Mr. Deal introduced Vadim Dolgov who will be recommended for appointment as a youth member to the Board at the next Council meeting.
- Mr. Deal acknowledged the presence of Mayor Shari Winstead and Deputy Mayor Chris Eggen.
- Ms. Southwick reported that Puget Sound Bird Observatory, of which she is a member, will install eight owl boxes in Hamlin, Boeing Creek and Twin Ponds Parks in February. The public will be encouraged to report activity.

6. Staff Reports

Kirk Peterson, Parks Maintenance Superintendent

- Thirteen hazardous Lombardy Poplar Trees have been removed from Twin Ponds Park. 33 evergreens have already been replanted throughout the park as replacement trees. Mr. Peterson presented additional tree species recommended for planting which include Shore Pine, Cascara, Grand Fir, Vine Maple, Pacific Willow, and Pacific Crabapple.
- Playgrounds are being resurfaced.
- Sunset Park Community Garden irrigation lines have been laid.
- Graffiti has been on the rise in area parks. The Police Department is now locking parks and gates.

Mary Reidy, Recreation Superintendent

- The new Celebrate Shoreline logo is in final design.
- The Youth and Teen Development Program received the Martin Luther King Day Proclamation at the City Council meeting.
- Lake Forest Park residents now have a 24 hour resident rate window with early registration privileges to reduce staff processing time. Registration appears to be up this year over last year.
- Active Adult Programming turned one year old. Trips are filling quickly.
- Million Stair Challenge will happen again with a new Million Step Challenge at Paramount School Park planned for the spring.
- Camp Shoreline hosted 35 campers for the Holiday Week camp.
- The location of Meridian Park for camp will change in 2015 by the Shoreline School District's request.
- The Pool Assessment is in the final stretch and more information will come to the Parks Board in February.
- Winter programming is underway and going strong.

Park Development presented by Kirk Peterson and Dick Deal

- ShoreDog is hosting a public meeting on February 4 at City Hall, 7:00-8:30.
- Play equipment is being selected for a park tot lot at Echo Lake.
- EarthCorps will be constructing the garden plots at Sunset School Park Community Garden. Construction is scheduled to begin mid-February and completion is set for mid-March.

7. Unfinished Business

Urban Forest Strategic Plan Open House Debrief

Consultant Elizabeth Walker affirmed the public input gained through the open house process. The comments will be gathered, synthesized and brought back to the Board in February.

- Board comments included feedback about the Vision Statement, feedback about the wording of the boxes in the Matrix to make them more clear, the difficulty of narrowing the key objectives down to three, confusion expressed about the dots—what they mean and where they should be placed. Ms. Walker welcomes feedback that would clarify the matrix.
- Several citizens expressed the desire to reflect on what they've seen and heard before providing feedback via the Comment Forms provided.
- Ms. Walker will revisit the Board at the February Board meeting. Mr. Deal and the Board publicly thanked Ms. Walker.

8. New Business

Sunset Community Garden Committee Appointment

Mr. Deal recommended Glenda and Ben Fabrizio and Sarah Baker for appointment to the Sunset School Park Community Garden Committee. Chair Beth called for the motion to approve. Ms. Southwick moved. Ms. Robertson seconded. The motion carried.

University of Washington Student Project at RBSW Park

University of Washington graduate student, Marcienne Scofield provided a history of the University of Washington Restoration Ecology Network and presented a 2014 project proposal. The work plan includes the removal of Scotch Broom, the main invasive at the park, and the installation of erosion protection by way of fascines. The planting plan is currently under review by UW instructors and a draft will be completed by January 31, 2014. The final plan will be completed by Feb. 14 which will subsequently come back to the Board for approval. Four work parties have been planned and are on the City calendar. **Mr. Hoey moved to approve the proposed work plan. Seconded by Ms. Southwick. The motion carried.**

Approval of 2014 Public Art Plan

Ros Bird, Public Art Coordinator, presented an overview of the Public Art Plan including the vision, the history and process, the Art Committee, Project Processes, the Public Art Collection, Future Vision, and the Public Art Budget. Projections reflect a steadily declining budget which will be depleted due to decreased revenue by 2019. The Plan and the challenges of the diminishing fund will go to the Council in April. Opportunities for alternate forms of revenue were also presented. **Chair Beth called for the motion to approve the 2014 Public Art Plan. So moved by Ms. Robertson and seconded by Ms. Southwick. The motion carried.**

PRCS/Tree Board Internal Business

- Mr. Deal invited the Board's comments related to where they prefer to hold monthly Board meetings. In general, small meeting rooms are preferred over the Council Chamber and the suggestion was made to continue meeting in a less formal configuration and reevaluate as time goes on.
- Mr. Deal opened the conversation for the Board to suggest topics to add to the 2014 Work Plan. Comments from the Board included: How well are we fulfilling the needs of the population as a whole? Are our services being used? Are there gaps? What stitches the City together? How do people connect? What are the connections between Parks and transportation networks, and green infrastructure as it relates to storm water retention? What makes us a sustainable city? How can we become even greener?
- What opportunities exist for community service on days like MLK Day and Earth Day, etc? Should that start with the Board?
- Plans for Arbor Day?
- With the Board's approval staff will schedule a presentation regarding wildlife in Shoreline for a March or April Board meeting.

9. Adjournment

Hearing no further business Chair Beth called for the motion to adjourn. So moved by Mr. McAuliffe and seconded by Ms. Southwick. The January Board meeting adjourned at 8:55 p.m.

Signature of Chair
Katie Beth

Date

Signature of Minute Writer
Lynn Gabrieli

Date



Memorandum

DATE: February 20, 2014

TO: Parks, Recreation and Cultural Services/Tree Board

FROM: Maureen Colaizzi, Park Project Coordinator

RE: **Urban Forest Strategic Plan Update**
Summary of Public Comments Received
Refined Key Objectives
New draft Vision and Mission Statements

Summary of Public Comment Received

At your February 27th meeting, Elizabeth Walker of Terra Firma Consulting will discuss recommendations for how to incorporate public feedback received at the January 23 Open House, as well as the feedback received through the Comment Forms and other means into the draft Urban Forest Strategic Plan. We will discuss major themes, ideas, and areas needing clarification in preparation for drafting the Plan.

Feedback received at the January 23rd Open House has been compiled into one document; Twelve comment forms were received and summarized in another document; Ten additional written comments were also received via email and USPS, and a summary has been compiled into a third document. The following three documents can be found in your online packet at <http://shorelinewa.gov/community/calendar/-item-5879>:

1. January 23 Urban Forest Strategic Plan Open House Feedback

This feedback includes all written comments from the meeting.

2. Comment Form responses

Questions 1-6 of the comment form are numbered and rewritten in this document. Underneath each question, answers are numbered 1 to 12.

3. Additional Written Feedback both Summarized and Verbatim

Draft Refined Key Objectives:

After reviewing public comments and the results of the 1.23.14 Open House public participation dot exercise, Elizabeth Walker has prepared a refined list of key objectives (attached). She will review and discuss the key objectives at your February 27th meeting.

Draft Revised Vision Statement and New Mission Statement:

After reviewing public comments, Elizabeth Walker has developed a revised *Draft Vision Statement* (attached in italics) and a new *Draft Mission Statement* (attached in italics) for your review. Below the italicized Vision and Mission statements are definitions of key words that appear in the statements to help clarify their meaning. Elizabeth has provided some proposed language and wants to discuss this with you at your February 27th meeting.



Urban Forest Strategic Plan Open House Feedback

January 23, 2014

Vegetative Resource Sticky Note Comments

#1 & Low: Reduce impervious surface to increase potential %

#1 & Good: Potential? What does that mean?

#1 & Key Objective: Primarily evergreen natives to maximize canopy volume and benefits

#1 general comment: We need goals to reduce impervious surfaces so we can plant more trees

#3 & Key Objective:

- Use largest possible species at every planting location to maximize benefits/costs
- What does “suitable” mean?
- Who determines what is suitable? What is suitable?

#4 & Optimal:

- This would justify removal of thousands of mature natives!
- 10% is unnatural for NW forest. More Doug Fir and Alder. Use natural diversities.

#4 & Key Objective: Maybe no more than 10% (or less) of a non-native species, but if specific natives are more than 10%, that’s fine.

#5 & Key Objective:

- What are risk ratings?
- Risk for what? People are overly afraid of trees. What is the risk of climate change, etc. if trees are cut?
- Native/PNW species. Focus on evergreens.

#6 & Optimal: All trees including privately owned provide public benefit and should be assessed at some level.

General Comments on Vegetative Resource Flip Chart Paper:

- This makes no sense!
- Reduce impervious surface to increase planting potential
- Utilize trees to mitigate stormwater
- Use creative permitting to reduce random cutting
- Enforce tree permits
- 10% is way too small a percentage for the native NW Puget Sound lowland ecosystem for native trees such as Doug Fir, Western Red Cedar, Alder, Vine Maple
- Native trees are largely disease resistant
- Birds, pollinators taken into consideration—no spraying of chemical pesticides
- Along with the trees, under plant with groundcovers, shrubs to cut down on grass and to attract wildlife (salal, huckleberries, strawberries, etc. Sturdy natives that are drought resistant).
- Arbitrary percentages for specific trees not realistic or compatible with regional ecosystem. The total overall ecosystem is as important as any specific tree species.
- When planning and permitting large developments, give developers breaks for saving existing trees.

Resource Management Criteria and Indicators Sticky Note Comments

#1 & Key Objective: Priority given to PNW natives

#2 & Optimal: This was inadequate! See other comments sent to City on this subject.

#3 & Good: What does extensively managed mean?

#4 & Optimal: Volunteers would help lower funding costs-many trained and knowledgeable people in community

#5 & Key Objective: More use of trained volunteers

#7 & Optimal: What is maintenance?

General Comments on Resource Management Flipchart Paper:

- Consider value of trees as investment to prevent stormwater runoff
- Allocate 100% of higher budget for tree management
- Invest in tree infrastructure
- Plant natives at a 100% higher rate
- Maximize canopy volume
- Invest in invasive weed removal program
- Employ EarthCorps and interested residents to plant more trees and remove invasives!
- We need an enthusiastic receptive support program for volunteers
- Triple bottom line accounting to give preserving tree canopy full potential

Community Framework Criteria and Indicators Sticky Note Comments

(According to the cross-section where the notes were placed)

#3 & Good: What are “purchase certificates?”

#6 and Top Objective: The public’s understanding of the role of an urban forest is enhanced/improved/increased (you choose the verb) through education and participation.

General Comments on Community Framework Flipchart Paper

- Trees are inventoried and added to the City’s balance sheet with dollared values
- Does neighborhood cooperation include hands-on volunteerism?
- Tree list should include all existing species except invasives
- Goal of canopy of 40%
- Stewardship should be actively managing trees
- Need a city resource to assist “Neighborhood Action”
- All municipal projects? Define.
- How about a Heritage Tree program?
- Heritage Tree program that recognizes historic value
- Need to recognize “groves of trees” as a category and “rare species” as special
- When trees are cut, where goes the lumber?
- I second that question. Elaine Dolan

Vision Statement Comments and Suggestions

- Enhance its benefit to local wildlife and the environment
- Increase the canopy, preserve the existing, increase understory plantings for birds and pollinators.
- The Vision Statement should state the goal to increase forest canopy and increase the health of the number of native species, both flora and fauna
- Shoreline is a community in which the environmental, public health, economic and social benefits of a healthy urban forest ecosystem are recognized, protected, and enhanced through a comprehensive urban forestry program. Most of the City’s vision statements are too verbose and too convoluted to ever make a mark in anyone’s mind. The key word is “vision.” A comprehensive summary of all the goals of the program isn’t needed or desirable in a vision statement. Those would be better listed after a more direct and shorter vision statement.
- Vision Statement: The City of Shoreline is a community nestled among its beautiful, bird-filled trees. Mission: Shoreline is committed to using the best science available to protect and manage the urban forest as pivotal component of the natural eco-systems within the city and in recognition of its historic, economic, environmental, social and aesthetic importance.”
- Shoreline is committed to honor and care for its vibrant urban forest through stewardship

Street Tree List Sticky Note Comments

Large Tree List Sticky Note Comments

- All existing tree species should be included and protected
- Native conifers grow to 300ft. The “large” tree list is medium-not large at all
- Use Lake Forest Park List –more comprehensive-includes native species-more useful information
- Where are our native species? Why aren’t they on these lists?
- All existing trees 8” or larger should be protected
- More native trees, please include understory plantings (shrubs, native flowers for pollinators and birds)
- Rein in the over zealous “pruning” done by the utility crews. Put more utilities underground.
- Require more tree planting + tree preservation for parking lots

Medium Tree List Sticky Note Comments

- Add wide array of native trees to list
- Majestic (sz large) trees, please! Japanese Katsuras, Cedars, Maples?
- Raywood Ash (red in the autumn) Frescia Locusts (yellow-green) dappled shade Please no street trees over 45 feet tall
- Tall trees are good!

Right Tree/Right Place, Wrong Tree/Wrong Place and Unimproved ROW Sticky Note Comments

- Pollinator pathway could be easily incorporated – native plants – drought resistant
- This summer expect drought. These trees will be dry. Who will water?
- ugly
- Disagree that this is ugly
- Try to use less grass – and more ground covers that are drought tolerant and native
- Fix the sidewalk. Cut roots not trees.
- Cutting roots is cutting trees!
- Unimproved ROW is valuable habitat
- Unimproved ROW is excellent habitat – also preserve snags!
- Trees over 30” diameter must have permits to be cut

General Comments on Street Tree Flipchart Paper

- Illegal tree cutting to be reported anonymously to tree response team responsible for tree ordinances
- All public trees should be planted to maximize canopy volume and functional benefits for the space available
- The replacement/planting list (not street) should include all native species to assure they are protected.

Other Items

- “Conifers” should be “evergreen” in order to cover madrones
- Environmentally critical? What about the 2 Redwoods by Hamlin Park?
- When will tree inventory be in new database? Will it include historic removals/plantings?
- A low cost tree permit/filing on tree removals from private property—all trees provide public benefit
- Educate the “trimmers” about how to not top or weaken trees
- Private tree owners should list planned removals in a public space (online) prior to removal
- Where do the “removal” fines from City Light Topping/Removal show up in the budget? Does it have a discrete account?
- Education on invasives (increase info to public). Perhaps help to landowners for removal plus more removal on public land.



**Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses**

1. Do you have comments or suggestions about the draft Vision Statement?

1. No response.
2. Please clean up this statement by correcting the grammar, eliminating redundancy, and providing better focus. Here is a suggestion: Shoreline is dedicated to the protection and effective management of its publicly owned urban trees, in a manner agreeable and equitable to its citizens, so as to enhance the livability and environment of the community today, and for future generations.
3. No response.
4. No response.
5. Any plan/legislation must include an express acknowledgement that, where urban forestation policies/requirements would conflict with private covenants, the covenants will control. Any increase desired in urban canopy arguably should occur on City's property such as parks.
6. No response.
7. Citizens of the City should be able to enjoy the sunshine as well and therefore an enhanced urban forest does not necessarily benefit the livability of the community.
8. No response.
9. Yes. See response for Question #6.
10. The current draft statement is too vague and does not inspire anything. It also should be split into separate vision and mission statements. The vision statement should illustrate what we are striving for and the mission statement should be about what we plan to do to achieve the vision. Here are some a vision and mission statement written by a Shoreline resident that I think are excellent and I can think of no way to improve: Urban Forest Vision Statement: "The City of Shoreline epitomizes the ideal of forest stewardship with a well maintained, vigorous, diverse and sustainable urban forest emphasizing native trees accented with locally appropriate non-natives to create a resilient forest that provides the greatest canopy cover, enhanced livability, and environmental benefits as part of the network of natural systems within the city for the benefit and pleasure of all." Urban Forest Mission Statement: "Shoreline is committed to using the best science available to protect and manage the urban forest as pivotal component of the natural eco-systems within the city and in recognition of its historic, economic, environmental, social and aesthetic importance. "
11. No response.
12. No response



Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses

2. Do you have any comments about the draft (green) Desired Levels and (orange) Top Key Objectives for the Vegetative Resource Category? Please indicate what you would like the City to consider.

1. No response.
2. The terms are not clear here. For example, what is meant by 'potential available planting space'? I also see no mention, anywhere, relating to private property rights. Nor do I understand where these figures and percentages came from. I will not comment on each item as much of this is clearly biased towards an absurdly and inappropriately high tree density in an urban area.
3. No response.
4. No response.
5. The “Urban Forest Strategy Plan” should not increase the regulatory burden on private property owners, particularly if it is part of a strategy to up the percentage of urban forest canopy from that which has historically existed in the City. The City cannot enlist homeowners in a crusade to re-forest the City when current homes and developments were sited, permitted, and constructed under different rules. “Urban forestation” must be balanced with maintenance of public and private improvements such as sidewalks, driveways, landscaping, etc.
6. No response.
7. A canopy cover of 50-75% is ridiculous and over-reaching.
8. No response.
9. No response.
10. Generally the key objectives make sense, and are a good starting point. I do think Criteria #4 is confusing. The category is important and the key objective is understandable, but the desired and optimal levels need to be clarified. If no species is more than 10%, and we currently have 5 species dominate, then are we hoping to have just 10 species dominate? Also re Criteria #5: Does this include a work plan at the end? I tried to find a place to make comments at the event (unsuccessfully) on some specific street trees (conifers on 15th NE)) that should be removed because they've been completely tortured over the years from pruning for power lines. It wasn't known if or when those trees might be put out of their misery and replaced with something more appropriate.
11. No response.



Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses

12. The critical issue ignored here is how much of the city is covered with impervious surface. The goal should be what percentage of the whole land mass is covered with trees + forest, not what percentage of the “potential”. The board could also consider making a regulation of what percentage that a residential lot must be covered with trees – allowing homeowners to decide whether they wanted their non-tree area to be house + driveway or rose garden + corn plants.

- Comment about: 1. Relative Canopy Cover – A different question should be asked.
- Comment about: 2. Species suitability Good Indicator “No diameter class represents more than 50% of the tree population –
- Comment about: 3. Species suitability – What determines “suitable”?? I would not cut “unsuitable” trees unless they are invasive exotics and then only maybe. We should encourage a move toward older trees. It would be fantastic if Shoreline was dominated by ancient forest groves’. I would not advocate a policy that would cut trees just because they’re the “wrong” age. There is no such thing as an “over-mature” forest. If a 1000 yr old conifer dies, it becomes a snag or nurse log – very vital to the native forest.
- Comment about: 4. Species Distribution: We should not plant trees so that no single species represents more than 10% of the planted trees. Native species might very well be naturally more than 10%. Certainly no living tree should be cut down just because it represents more than 10%, unless perhaps if it is an invasive exotic.
- Comment about: 5. Condition of Publicly-managed trees Optimal Level: Risk for what? See below.
- Comment about: 6. Publicly-owned natural areas Optimal Level: Good.
- Comment about: 7. Native Vegetation Optimal Level: It depends how they are eradicated – pulling?? Poisoning??

3. Do you have any comments about the draft (green) Desired Levels (goals) and (orange) Top Key Objectives for the Resource Management Category? Please indicate what you would like the City to consider.

1. No response.
2. Consider the rights of residents who want open spaces, gardens (and sunlight for them), lowered maintenance costs by NOT having towering Doug Firs over their roofs, power line issues, etc.
3. No response.
4. No response.
5. Tree species for street rights of way must be limited to 40-feet, maximum height to accommodate utilities and to respect neighboring properties’ rights including pursuant to private covenants.
6. No response.
7. The City should require any property owner to immediately remove a dead or diseased tree for the health and well-being of the community.



Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses

8. Please consider the following:

1. In the area of Tree Risk Management and hazardous trees, please provide for removal of unhealthy trees on both public and private property. Under the current UFSP, the idea of increasing canopy while inhibiting hazard tree removal seems to increase the risk to public health and safety.
2. The policy should encourage residents and businesses to increase canopy, but not require them to do so. In addition, any measure to increase canopy should focus on areas where the canopy is currently below the historic City average - i.e. commercial properties which contribute more to storm water than residential neighborhoods.
3. The plan must specifically recognize the benefits of solar access for energy. The plan should state that urban forestation cannot rule over residents' right to solar access.

9. No response.

10. No response.

11. No response.

12. Risk of what? I'm more concerned about trees that seem stressed by drought or disease than ones leaning. I would be interested in age + size + species inventory – measuring DBH and perhaps making biomass calculations.

Comment about: 1. Tree Inventory Optimal Level: Good.

Comment about 2: Canopy Cover Assessment Optimal Level: For both summer + winter inventories.

Comment about: 3. City-wide management plan Good Level - It depends what form the “management” takes. Nature often does a better job of “managing” than humans – i.e. an old growth forest is much healthier than a forest service or Weyerhaeuser tree plantation.

Comment about: 4. Municipality-wide funding Key Objective - Circled Key Objective – More funding is key – should be a high priority.

Comment about: 5. City Staffing Good Level - Good. Hire ecologists, biologists instead of timber industry trained + focused “foresters”. Certified arborists should hopefully be members of the Plant Amnesty, and have a demonstrated record of upholding those values.

- Comment about: 8. Tree Risk Management Good Level - Don't agree with arrow pointing to confirmation of.
- Comment about: 8. Tree Risk Management Key Objective – Trees are inherently “risky”. Risk from what? To whom? I am not afraid of trees. I am afraid of mass species extinction + global destabilization of climate. “risk” is often used just to cut trees down. So “safety” is not necessarily a priority.
- Comment about: 9. Tree protection policy development and enforcement Optimal Level - Yes agree with arrow pointing to included in process.
- Comment about: 10. Publicly-owned natural areas management Optimal Level and Key Objective – good.



**Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses**

4. Do you have any comments about the draft (green) Desired Levels (goals) and (orange) Top Key Objectives for the Community Framework Category? Please indicate what you would like the City to consider.

1. The city is being too aggressive with these goals particularly criteria 3-6. The city has failed to work with Innis Arden and recognized the private property values, rights and enjoyment attached to neighborhoods sound and mountain views. The existence of preceding legal status of covenanted communities and the enforceability of their covenants. The city must recognize these property rights and avoid costly legal action which will certainly arise if the city tries to place the burden of growing the urban tree canopy on privately held property.
2. No response.
3. No response.
4. No response.
5. Residents and businesses may be encouraged to increase canopy on private property – but cannot be required to do so. Further, any measures to increase canopy should first address neighborhoods and communities where the canopy is currently below the historic City average. It should start with commercial and business districts and properties which contribute as much or more to storm water and carbon problems as residential neighborhoods do.
6. No response.
7. The City does not have the funds for more management of private property.
8. Please consider the following:
 1. The Plan must specifically acknowledge that when urban forestation policies conflict with private covenants, the covenants will prevail.
 2. The UFSP should not impact or burden private property owners in the City of Shoreline. Many current homes were permitted and constructed under different rules, and private homeowners should not be required to comply with a new strategy to increase the urban forest.
9. No response.
10. No response.
11. No response.
12. Comment about: 1. Public agency cooperation Optimal Level – good.
Comment about 2. Involvement of large institutions Good Level and Key Objective – good. City should help landowners develop strategies especially for those landowners who desire it. A property owner might want to enhance the urban forest but need advice or tools etc. to do it. And also restrictions on destruction of trees, with consequences + enforcement – not just incentives. Comment about: 6. General awareness of trees as a community resource Optimal Level – yes.



**Urban Forest Strategic Plan Public Comment
Jan 23 – Feb 7, 2014
Comment Form Responses**

5. Do you have comments on the City's Street Tree List?

1. Shoreline's city street trees should be kept under 40' tall preferably 30' and not interfere with solar access, public utilities, sidewalks, pedestrian amenities and non-view obstructing for drivers and residential neighborhoods.
2. There is mention, in the 'mission statement', of putting plan in place for 'future generations'. Why allow large, dangerous trees - native or otherwise - under or near power lines or houses? There is NO PLACE for 100-200' ft tall Douglas Firs, Western Red Cedar, (California Naive Giant Sequoia), etc near houses, roads, power lines, etc., especially for future generations, which will bear the brunt of the damage, injuries, deaths, higher insurance costs and so on caused by inappropriate tree choices.
3. No response.
4. No response.
5. Any plan must recognize that public and/or private roof gardens ("green roofs"), bio-swales, low impact development, and/or recycled roof runoff (e.g., rain barrels, cisterns) are viable, legal alternatives to urban forestation measures adopted for example for storm water control reasons, particularly in residential neighborhoods. In addition, increasing the size and diversity of the urban canopy can be achieved without expanding the City's established ROW tree list to include huge species such as Douglas Firs, Grand Firs, Western Red Cedars or Big Leaf Maples. Canopy is provided by trees (and shrubs) of all heights and varieties – promoting the tree canopy should not eclipse the importance of planting site- appropriate trees.
6. No response.
7. The maximum tree height for the street tree list should be less than 25 feet because residents already experience too many power outages and funds are wasted pruning trees.
8. No response.
9. No response.
10. No response.
11. The tree list is 100% inadequate because you've left out all natives and all existing street trees.
12. The street tree list is completely inadequate. It's mostly a list of shorter deciduous varieties that are convenient for utility lines and sidewalks. WHERE ARE THE NATIVE CONIFERS?? NOT A SINGLE ONE IS LISTED!! Our native trees both conifer, deciduous +broadleaf evergreens must be protected. They are our gems. The natives must be added to the tree list. Consult the Lake Forest Park Street Tree List.



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6. Or other ideas you would like to share?

1. The urban forest management plan should focus on public ally owned trees and public property - parks, schools etc. the city should not inhibit private property owners rights. Neighborhood covenants and view preservation must be acknowledged and take precedence over any new restrictions due to urban forest goals.
2. Along with the above comment, you need to consider, for future generations, the impact of much more severe wind conditions caused by global warming. There are many smaller, native trees that can be used that are more likely to survive high winds than towering, solitary rows of Firs, Cedar, Big Leaf Maple, etc.
3. Why is there an advisory tree board? Why does Shoreline need an urban forestry consultant? There are too many trees now in this city. We have too much shade and our gardens could do better with more sun. I am for the city taking care of city property and respecting the private property rights of each resident and the various covenants such as those in Innis Arden where there are approximately fifty acres of vegetation. This is not City of Shoreline property and neither are any of the city residences.
4. If you don't have anything better to do than creating more rules and regulation than it is time to decrease the size of the City government.
5. The City should revisit hazard tree issues and provide for streamlined removal of unhealthy trees on public and private property, even where the hazard is not "imminent". Any strategy that demands increase in canopy while inhibiting hazard tree removal such as in the current Code is certain to increase risk to public health hand safety. Finally, I emphasize again that the City needs to recognize the covenants of Innis Arden and work with this community instead of thwarting it attempts to enforce its covenants at every turn.
6. No response.
7. Please do not continue trying to force additional trees onto private property if the owner has other priorities such as gardening, solar panels, or enjoying the sunshine.
8. No response.
9. I have been a resident of Shoreline for nearly 39 years, at 17029 !4th Ave. NW. Shoreline attracted me because of the Sound and Mountain views that were, in large part, the result of the foresight and decisive action of Bill Boeing, who platted Innis Arden with a clear intent to capture the spectacular views there. Need more be said about the foresight of Mr. Boeing? His foresight is evident all over Puget Sound country. How much of th Puget sound economy is the result of what he started here? Too often regulations are adopted with a "one size fits all" mentality. In Shoreline, we have apartment dwellers, condo dwellers and single family home dwellers. And within each of those categories we have sub-categories. With respect to single family homes, some prefer ramblers, some prefer split levels, others two story ,etc. Some want to be nestled among the trees and others prefer open air and others prefer view property. Most of the 500 plus homes in Innis Arden are owned by people who prefer views. If people



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want a forest setting, they may settle east of I-5 or in Lake Forest Park. I paid for a view location in my purchase price in 1975 and I pay extra taxes every year for a view location. My wife and I thrive in sunlight, not in the shadows. In old England, the "doctrine of ancient lights" protected property owners' views. View preservation is nothing new and in spite of its origins hundreds of years ago, it deserves consideration and protection today. My views and the views of my neighbors are fiercely protected by covenants upon which hundreds of property owners have relied upon for years. We are not to be deprived of our property rights by some trendy concept and hastily conceived regulations. "Urban canopy" and "Urban forest" are oxymoron's. How can canopy and forest exist over four lane highways, concrete slabs, grocery and hardware stores, shopping centers, park and ride lots, transit stations, apartment complexes and sprawling school buildings? Let's keep the canopy and the forest where they can thrive and prosper and not infringe upon other established and equally worthwhile standards. If city construction has destroyed the canopy and the forest, should the city be destroyed? Should we stop street and highway construction or preserve this canopy? Have public works or private dwellings destroyed more canopy and forest? If concrete surfaces excessively contribute to water runoff, perhaps we should resort to gravel roads and parking lots. Have you considered the benefits of the large lots and the green belts in Innis Arden and the lawn areas around all of the single family homes in Shoreline? Let's not take away what thousands of home owners, not just those in Innis Arden, have chosen as a life style by some trendy concept and ill-conceived regulations.

10. Thank you for all the work on this. It's extremely important for the sustainability & health within our city.

11. This dot program is very confusing. I suggest you recognize each dot as a message in its location.

12. I like community tree plantings, ivy-outs + clean-ups. It would be helpful for both education + on the ground accomplishment if a city staff member organized more school + community service projects.



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Summary of Additional Feedback

1. Public Agency Cooperation, City Staffing and Tree Board: My first concern is what appears to be lack of communication and cooperation among and between city departments around management of plants – particularly those in the city right-of-way...the street along 25th Ave NE and NE 171st was torn up, repaved, restriped, torn up again, repaved, and... once again torn up and repaved. The trees were “pruned”... supposedly so “large equipment” could pass by...the mystery death of multiple varieties of pine trees... The cause does not appear to be the pine beetle, nor is it a common foliar disease, but the trees turn brown very quickly and are completely dead (with their needles still on the branches) within a few months...the dead trees then become vulnerable to storm damage and downfall during high winds. While contracting with an urban arborist to consult regarding public property is a step in the right direction, the education of all impacted by the tree canopy is essential. The Tree Board is comprised of those with expertise and interest in promoting a sustainable environment and should be able to have substantial input into decisions made by the City, rather than input to one department regarding park and cultural services. An independent board that could have input to the City Council directly and reach beyond one department and function to foster collaboration would be more effective.

Tree List: The current tree list addresses only street trees suitable for being under wires. The new list is intended to address tree replacement on both public and private property... one tree...might qualify as “sort-of native” – that being the...Serviceberry...according to the code, the only trees that garner any protection are those named on the new list. This protection should include native trees which are appropriate for private property and many which would be appropriate in many unimproved Right of Ways within the City of Shoreline. Both the Cities of Lake Forest Park and Seattle have several species that would be suitable, including our native vine maple...and Cascara... When possible, the largest tree that is “right size for the place” should be planted, whether on public or private property and residents should be encouraged to do so.

Vision Statement: ...draft currently as a mix of a Vision and Mission statement and not truly a Vision Statement... A Vision Statement outlines WHERE do we want to be and WHEN do we want to be there. The vision talks about the future and communicates the purpose and values of the...City of Shoreline. A Mission Statement talks about HOW you will get to where you want to be...The Mission Statement should define the key measures of...success.

Municipality-wide Funding and Tree Removal: ...look carefully at the budget across all departments. Currently, many large trees are being removed from public property or are being essentially “topped” for many reasons – some founded in real necessity but more often due to lack of consideration of options. Private individuals and even businesses remove healthy trees...failing to realize that removing many trees that have grown up together may increase the hazard because the few remaining trees do not have the support underground that they developed over years. This is costly in many ways. Our forest canopy is a valuable asset that we cannot afford to waste.



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2. Street Tree List, Tree Board: ...Lake Forest Park has implemented a feasible urban canopy plan and tree replacement list, which could in most cases be adopted by Shoreline... Shoreline's replacement tree list does not utilize one native tree species...Native species should be included in any situation...Native trees and tall shrub species provide a living corridor for wildlife...Lake Forest Park has an Environmental Quality Commission that covers overlap among various city departments and boards...to establish best management practices. Shoreline should consider this too. Urban trees and mature trees have value to any property under development. Preserving trees under development should be encouraged. Portland has great tree management practices. Urban trees help remove particulates from the air...Preserving trees in a development should be encouraged...Shoreline should utilize other cities best management practice, guidelines and policies to develop ours.

3. Street Tree List Replacement Trees: ...it seems unfortunate that the streets are not lined with trees in Shoreline. ...could the replacement tree requirement on private property be used to plant trees along the streets in Shoreline...? Can we...allot plenty of curbside room for tree roots to get adequate WATER rather than be limited to a small paved opening?...The aesthetics of our neighborhood would benefit from both variety of species and good placement...I think we should require a 3-tree replacement, a location for each tree, and a schedule for that appropriate replacement. Will trees be replaced at Shorecrest High School near Hamlin Park? Who monitors this – will these new trees be planted? **About Species Variety:** ...I replaced a large oak tree and dead pine with several types of trees. I believe that variety (spice of life) applies to birds + creatures and would benefit our neighborhood.

4. Community Framework – Public Agency Cooperation and Resource Management City Staffing: Tree related... issues...traverse multiple City departments....Planning and Development are responsible for public and private tree permits and code enforcement; while the Parks Department provides “in house” care for city trees. Public works is involved with the tree related sidewalk and roadwork issues. IT Department with...tracking...and inventory of canopy assets.

Resource Management Municipality-wide Funding:...It might be worth “pooling” some of the canopy-related costs currently spread (across)...departments into supporting the “intersection” of departments where more fully informed decisions could be made. Tree Board was established by Council as an element of the Parks Board to avoid cost impact of 15 additional staff hours (Feb 2012 staff report). Considerable staff time has been used to support the PRCS Board on Tree Board issues. The PRCS Board has established a good baseline for the future management funded by grants.

Tree Board:...This is an ideal time to bring those who specialize in canopy-related subject matter into the picture where they can help educate others and provide an expert-based approach to solving cross-organizational issues surrounding our canopy by creating an independent Tree Board to help the city realize its Urban Canopy Strategic Plan...It seems like this is the right time to transition the care of our urban forest asset's future growth to a more focused, forestry-based board which can contribute to the



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implementation of the strategy....Canopy experts in will provide the most informed, science-based guidance while also working to educate/train those who want to know more and/or volunteer.

5. Urban Forest Strategic Plan Public Involvement Process: I want to recognize and thank the tree board and the Parks Board on creating an opportunity for the community to voice their thoughts and ideas about our city's trees. I am hopeful that the information you received is helpful in understanding what the city as a whole thinks is a priority. I look forward to the follow-up event.

6. Tree Canopy: ...I feel that there are several issues that just expanding the tree canopy as a One-Way-Fits-All approach has not considered.

1.) Storm Water. If storm water is the issue behind the expansion of tree canopy, then other alternative such as bio-swales, rain gardens, and retention of rainwater from roofs on residential sites and businesses, cisterns, etc can be allowed as an alternative to both ROW trees and residential areas. A smarter approach to managing surface water might be to allow a combination of approaches, e.g. also allowing LID alternatives such as Bio-swales in the ROW.

2.) Solar Power. The City should allow trees to be removed when they interfere with generation of electricity using Solar Panels, including this as a exemption to any tree canopy requirements.

3.) LID. Trees in Right-of-Way offer multiple problems because power lines, lighting, and sidewalks are placed here. If the City wants to add native trees such as Douglas Fir, Grand Fir, Western Red Cedar, or Big Leaf Maple to the approved list, it has to budget for the maintenance of ROW trees. Thus, any change to the ROW trees should carefully consider the financial cost that the City would be responsible for. ...you need to also determine how you are going to pay for actually pruning trees, evaluating hazardous tree potential, or correcting sidewalk issues.... using qualified professionals. The 2012 Engineering Development Manual...advocates the Low Impact Development strategies....include alternatives to increased tree canopy as a means of controlling surface water runoff.

4.) Gardening. The urban forest plan should be drafted so as not to impose any issue with respect to gardening or solar access....Vegetables and some flowers do not do well without sunlight that an extensive tree canopy will restrict.

5. Water Usage. Another issue that extensive canopy coverage can cause is restriction of plant life in the understory. The net effect of extensive canopy coverage could actually result in even more use of water to keep landscape shrubs alive during the summer season. Thus, solving a problem during the wet winter season by a single approach may cause another problem, such as over usage of water, during our dry summer season.



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7. Trees and Private Property: How can this be the USA when the bureaucrats in Shoreline are threatening to take away our property rights?...I happen to like sunshine. It helps my garden grow, brightens my mood and warms my house. I don't like the darkness provided by trees. A neighbor wrote "One of my concerns is that the City allows for deforesting on development sites, for the purpose of allowing the building of new and additional tax parcels. Then they would like burden the existing land owners with their plans to reforest our City....New restrictions typically apply to new developments and not to established properties that are deemed to have vested property rights...."

8. Trees on Public vs. Private Property: It is our opinion that any efforts towards urban forestation should take place on City-owned properties like parks. Policies should NOT conflict with any private covenants. The number of trees which exist within Innis Arden is far greater than what will be found throughout Shoreline on a per-acre basis. Our covenants for "water and mountain views" must be respected; they have, after all, been upheld in the courts. ...we wish to be able to continue to have removed trees which are view-blocking, including inappropriate trees planted years ago on City right-of-ways.... There are plenty of tree varieties, including native trees, which better suit the need and will not lead to damage and other problems as they grow to a reasonable height. Adding more trees on residential streets and private property will only increase the homeowner's inability to maintain their property, thus lowering property values and making Shoreline residential properties less desirable.

Solar exposure: It is not healthy to live in an environment where natural light is blocked from entering homes, and also prevent the sun's rays from nurturing the growth of home gardens. Solar panels are increasingly being installed in older and new homes; they can't function with filtered light coming through tall trees. I have noticed a huge number of Shoreline homes, surrounded by tall trees, which have roof tops covered with thick moss and tree debris....

Street Tree Maintenance: The maintenance and upkeep of any newly planted trees on public property should be seriously considered from the standpoint of maintenance, cleaning up leaves, interference with the sewer system, etc. The current City policy with regard to hazardous tree removal must be revisited as these trees may well pose a huge hazard to public safety.....now or in the near future...

9. Trees on Private Property: Long-standing covenants should take precedence over urban forest policies. Don't overspend on urban forests at the expense of regular maintenance. The plan should recognize private vegetation management plans.

Resource Management- Staffing: Excessive staff time spent on being a "Tree City" should be carefully controlled. Regulatory burden and its increasingly onerous cost to private property owners should be minimized.



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Solar Access: Solar access is just as important as canopy increases.

10. Trees and Private Property: The UFSP purposes to “guide...management of public trees” ...throughout the Matrix, there are references...to a city-wide urban forest management plan with repeated references to “private property” and “private land” in addition to public trees. However, throughout the Matrix there are references to private property. The Board has failed to adequately describe the scope and objectives of this planning process.

1. Tree Canopy should occur on city property such as parks: ...the Urban Forest Strategic Plan should not be a vehicle for increasing tree canopy burdens on private property owners...The focus of this planning effort must be on City-owned property, with an emphasis on parks...Residents...can be encouraged to increase tree canopy, but cannot be required...any measures to increase canopy should address areas where canopy is currently below the...average starting with commercial and business districts and properties which contribute...to storm water and carbon problems...

2. **Code Amendments, Credits and Incentives for Private Stewardship:** ...The City should re-establish the former Code provisions for long-term vegetation management plans that permit ongoing stewardship of open space tracts without the need for piecemeal permitting...The City has failed to take action this in the past: the current planning effort provides a key opportunity.

3. **Management of Trees and Private Property Rights:**

a. **Respect Private Covenants** ...It is in the interest of the public...to establish standards for the resolution of view obstruction claims so as to provide a reasonable balance between tree and view related values. Other cities...recognize the importance of views, and the private covenants adopted to protect them. (Clyde Hill Code 17.38.010.D and Mercer Island code 19.10.040.B)

b. **Tree canopy and Solar Access and Home Horticulture...**“Urban Forestation” efforts cannot trump...right to solar access...The urban forest strategic plan should...permit removal of public trees where they interfere with...(existing or potential) solar panels...The plan should...recognize solar access for horticulture, including home gardening, and...exempt tree removal where private...gardens (or community gardens) are threatened by inadequate solar access.

c. **Limit Street Trees by size and species...**The City should reject any proposals to expand the City’s current street tree list to include larger varieties of



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trees...that are not appropriate for rights of way due to damage they cause to public (and private) improvements. Species allowed on rights of way should be limited to a 40-foot maximum height...Any proposal to increase the potential height of right of way trees, add problematic species to the tree list or make it harder to removal trees found to violate...covenants, would be counterproductive...

d. *Trees and Storm water Management/Greenhouse Gas Reduction*

Goals...the UFSP planning process should recognize that increasing the tree canopy is only one means of achieving the goal (green house gas reduction and storm water management)...other low impact development practices are viable...alternatives to increasing the tree canopy...the urban forest strategic plan should...develop policies for incorporating a broad variety of native trees and shrubs that provide canopy diversity without interfering with public or private infrastructure, solar access or views.

e. *Tree Removal Permit Process...**the City eliminated a former permit exemption to allow removal of an unhealthy tree that posed a “non-imminent hazard”, based on an arborist’s report. Requiring a permit to remove “non-imminent hazard” trees creates an...incentive for property owners to overlook diseased or damaged trees...*

Verbatim Additional Feedback

1. Comments Received 1.22.14

I am very encouraged to see the City of Shoreline pay attention to the environment and particularly to the tree canopy within the City. As a steward of several WSU Extension Master Gardener Demonstration gardens (including a native plant garden), lecturer on soils and plants, and a resident and gardener within the City of Shoreline, I have watched carefully the progress of the City towards becoming a “Tree City USA”. While I applaud the attention turned towards stewardship of our natural resources, I also have some comments and concerns I wanted to share.

Lack of Communication and Cooperation: My first concern is what appears to be lack of communication and cooperation among and between city departments around management of plants – particularly those in the city right-of-way. Last summer I watched as the street along 25th Ave NE and NE 171st was torn up, repaved, restriped, torn up again, repaved, and yes, once again torn up and repaved. The trees were “pruned” – word in quotes as the tree trimming was not really pruning but more like hacking of branches – supposedly so “large equipment” could pass by. As I watched day after day, the equipment did not come close to the tree branches and because of the damage to the trees, including falling dead branches, we have had to privately ire



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a certified arborist at a cost of almost \$4000 to repair and clean up the damage that was done and which extends into our private property.

Another example of the need for communication and cooperation between the City of Shoreline, the private residents, and adjacent cities could best be described as the mystery death of multiple varieties of pine trees. This started in Lake Forest Park but has spread south of Hamlin Park in Shoreline. The cause does not appear to be the pine beetle, nor is it a common foliar disease, but the trees turn brown very quickly and are completely dead (with their needles still on the branches) within a few months. The Washington State Department of Natural Resources cannot visit private properties under 40 acres but was not able to identify the cause from samples submitted. In the meantime, the dead trees then become vulnerable to storm damage and downfall during high winds.

While contacting with an urban arborist to consult regarding public property is a step in the right direction, the education of all impacted by the tree canopy is essential. The Tree Board is comprised of those with expertise and interest in promoting a sustainable environment and should be able to have substantial input into decisions made by the City, rather than input to one department regarding park and cultural services. An independent board that could have input to the City Council directly and reach beyond one department and function to foster collaboration would be more effective.

Tree List: The current tree list addresses only street trees suitable for being under wires. The new list is intended to address tree replacement on both public and private property as I understand it. The tree list, as published within the City of Shoreline Public Works Engineering Document, Appendix G, is fairly detailed but may be a bit difficult for the average resident to understand. The City of Seattle has a much clearer presentation, including flower and foliage color, clear details about whether the tree would be suitable under wires (or not), along with other information. I also note that the City of Shoreline has, at best, one tree that might qualify as “sort-of native” – that being the Amelanchier Alnifolia (Serviceberry), though both listed are actually hybrids of the true native.

Another concern is that, according to the code, the only trees that garner any protection are those named on the new list. This protection should include native trees which are appropriate for private property and many which would be appropriate in many unimproved Right of Ways within the City of Shoreline. Both the Cities of Lake Forest Park and Seattle have several species that would be suitable, including our native vine maple (*Acer circinatum*, which is a Great Plant Pick and rarely gets taller than 20 feet) and *Rhamnus pershiana* or Cascara, which is too tall to be placed under wires but only requires a strip 5 feet wide for planting. Both have low care requirements and great color. When possible, the largest tree that is “right size for the place” should be planted, whether on public or private property and residents should be encouraged to do so.



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Vision vs. Mission Statement: I understand that the City of Shoreline Urban Forest Vision Statement is a draft. I see this draft currently as a mix of a Vision and Mission statement and not truly a Vision Statement. In my own business, I work with other businesses on strategy and process improvement and one of the most common mistakes I see is that the two statements are often confused. A Vision Statement outlines WHERE you want to be. (WHERE do we want to be and WHEN do we want to be there). The vision talks about the future and communicates the purpose and values of the (in this case the City of Shoreline). A Mission Statement talks about HOW you will get to where you want to be. This defines the purpose and objectives and talks about the present and process leading to the future. It is often intended more for those within a company. The Mission Statement should define the key measures of the organization's success.

Encourage "All In" Strategies: I would like to encourage the City of Shoreline to really be "All In" to manage its important assets of soils, water, trees, birds, other animals, and insects. (This should be a term familiar to all who follow the Seahawks). One way this could be accomplished would be to look carefully at the budget across all departments. Currently, many large trees are being removed from public property or are being essentially "topped" for many reasons – some founded in real necessity but more often due to lack of consideration of options. Private individuals and even businesses remove healthy trees – out of concern for damage to buildings or others – failing to realize that removing many trees that have grown up together may increase the hazard because the few remaining trees do not have the support underground that they developed over years. This is costly in many ways. Our forest canopy is a valuable asset that we cannot afford to waste.

2. Comments Received 1.23.14

I greatly appreciate all the work put forth by the many citizens of Shoreline who have taken the time to advocate and work for a viable urban tree canopy in our city.

I also feel that Lake Forest Park has implemented a feasible urban canopy plan and tree replacement list, which could in most cases be adopted by Shoreline. Go to this link for more information on their comprehensive tree list. <http://www.cityofflp.com/DocumentCenter/Home/View/148>

At this time the Shoreline replacement tree list does not utilize one native tree species. Native species should be included in any situation where it can be allowed. Native tree and tall shrub species provide a living corridor for wildlife and can enhance the National Wildlife Federation Habitat designation that Shoreline currently enjoys based on the hard work of many private citizens residing in Shoreline.



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As another Shoreline resident brought to your attention, Lake Forest Park has an Environmental Quality Commission that covers areas of overlap among various city departments and boards; the goal of this commission is to establish best management practices. Shoreline should seriously consider this too. Urban trees can help remove particulates from the air and certainly native trees can be included in this as well as any other tree species when possible. Please take a moment to read some of these important studies why mature trees protect human health.

<http://www.takepart.com/article/2013/06/26/trees-save-least-1-life-each-year-major-cities?cmpid=tpenviro-eml-2013-06-29-trees>

Mature trees have value to any property under development. It is hoped that preserving trees in a development will be encouraged. One has only to look to Portland's tree management practices. I further advocate that trees are planted that are native whenever possible and any tree planted should be selected that do not require the use of chemical pesticides to maintain them. Please see this google link to see a list of studies from the United States Forest Service in Portland on the value of urban forest canopy and city

trees: <https://www.google.com/search?q=USFS+in+Portland+study+of+city+trees+and+property+values&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a>

One particular study

is: "CALCULATING THE GREEN IN GREEN: WHAT'S AN URBAN TREE WORTH". <http://actrees.org/files/Research/scifi126.pdf>

Over all urban tree canopies and best management practices have been studied in numerous cities so Shoreline is not faced with reinventing the wheel. It is really time for the city to produce a viable urban tree canopy program. There are many great guidelines out there to help the city move forward with this goal.



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3. Comments Received 1.23.14

Possible Places to Plant
~~the~~ Replacement Trees

Received in person
@ Jan 23rd open
house

I love trees, so thank you for hearing my
stories + concerns about Shoreline trees.

My name is Elaine Dolan - for close to 2 years
now, I've been living across from Shorecrest High,
2 streets up from Bettelheim + Charley Brown.
But I grew up in Quincy, Massachusetts where all
the sidewalks were lined with trees.

Though it does not much concern me that much of
Shoreline does not have sidewalks - it does seem
unfortunate that the streets are not lined with
trees!

I wonder if your rule about replacing trees
(3 to one) which are cut down from personal property...
well, could the extra trees be planted along the
streets of Shoreline ^{where everyone can enjoy them...} when you do not want them
in your yards?

Can we, with an eye for the tree's future
size (trunk and foliage), allot plenty of curbside
room for the roots to get adequate WATER...
rather than be limited to a small paved opening?



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About Variety

②

I took a very large Oak Tree from my former property in Bothell. I know, and probably many of you know that it takes 2 ^{full} seasons to rake up the droppage from some oaks. I was raking from October to May. This oak made my lawn more moss than grass, and I could hardly get enough sun for the flowers I grew along the perimeter of the yard.

But I can say I did well to replace that Oak (and a dead pine) with

a weeping Katsura

A disease-resistant ~~Dogwood~~ Kousa

2 Japanese maples

1 Japanese snowbell tree

2 ginkos

and a various shorter shrubs.

They say variety is the spice of life for us humans, but I believe it applies to the well-being of the birds + creatures as much. The aesthetics of our neighborhood would benefit from both variety of species and good placement.



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Replace^{Trees} with a (Location) + on a (Schedule) (3)

On my skating + recreation trail - the Bothell slough, King County Parks, much to my dismay lopped down a whole row (10 or 15) old poplar trees. They reasoned that repaving a buckling trail was useless unless the tree roots were no longer present.

The rape of the familiar landscape shocked and saddened me. I took photos of it and put them on my Facebook page. Their reasoning was explained ~~to me~~ when I sounded out about the incident. I pointed out that they were old and beautiful, yes, but they also served as a most effective buffer to highway traffic noise.

King County Parks made no promises to replace the trees, no schedule, and did not even acknowledge that a buffer to traffic noise had any bearing on anything. The incident left me feeling barely placated and a very dissatisfied citizen.

It works, I believe, to demand a (3-tree replacement), a (location) for each tree, and a (schedule) for that ^{appropriate} replacement.



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The Redwoods

(4)

Right across the street from me, along the back entry of the Shorecrest High School, on 25th AV NE, ~~the~~ construction crew ^{cut} took down at least 2 large redwood trees - right on the edge of Hamlin Park. Question: Will each of these be replaced ^{by 3 trees each} who monitors this - where will these new trees be planted?

About Pavement in Hamlin Park

(5)

Opinion: I do not think it ecologically sound to pave trails and there are paved trails in Hamlin Park. This is bad for the aeration of the dirt, the erosion of the soil, and the health of that small ecosystem. Furthermore, pavement is expensive. Please do not waste city monies on paving the woodlands.



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4. Comments received 1.28.14

It was wonderful to finally have the opportunity to provide input regarding Shoreline's tree canopy. I was pleased to see so many people were on hand to learn about and comment on the Urban Forest Strategic Plan. This has provided the opportunity for me to organize my thoughts and share them.

Tree related questions, concerns, and issues are often very complex and traverse multiple City department silos in search of an effective resolution. In the same way they run through multiple elements of the Comprehensive Plan's goals and policies. For example as things stand today Planning and Development is responsible for both public and private tree permits and tree code enforcement; while the Parks Department provides "in house" care for city trees; Public Works is involved with the tree related sidewalk and roadwork issues; and the IT Department with the ongoing task of tracking the history and inventory of canopy assets.

The PRCS Board is made up of dedicated citizens selected for their abilities to guide a wide range of people-oriented services related to the use of public facilities and cultural activities. They are not selected for the specific, in-depth canopy-related knowledge needed to underpin informed decisions based on current arboreal science or the best management practices needed for long-range urban forest management and sustainability.

In 2012 the Tree Board was tentatively established by the Council as an element of the Parks Board to avoid the potential cost impact of 15 additional staff hours (see staff report to Council from February 2012.) In spite of that, considerable staff time has been used in support of the current PRCS Board on tree related issues.

The City now has:

- 2011 Urban Tree Canopy Assessment done by AMEC (grant)
- An updated Municipal Tree Code
- An inventory of the Right of Way trees on a number of routes (grant)
- A pending strategic plan for the future of our canopy (grant)
- A pending updated tree list

In its capacity serving as a Tree Board, and based primarily on the worked of contracted professionals, the PRCS Board has established a good, representative baseline for the future management funded by grants. It seems like this is the right time to transition the care of



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our urban forest asset's future growth to a more focused, forestry-based board which can contribute to the implementation of the strategy.

There are many Shoreline citizens who are professionally trained and/or working with trees in a professional capacity on a regular basis. And there are numerous citizens who would love to volunteer their time to help inventory, maintain, plant, or educate others about the tree canopy. Additionally, at the January PRCS Board meeting, Mr. Deal was soliciting suggestions from the PRCS Board for things to fill their annual agenda indicating there is currently staff time available.

Since the Tree Board is only authorized by council to continue to serve as an adjunct of the PRCS through February, it would be timely for City Council to revisit the future effectiveness of the Tree Board as it currently exists. Is it time for consideration of an independent Tree Board populated with subject matter experts who can focus solely on the complex issues related to the appropriate management of our valuable canopy assets and allow the PRCS Board to return to the people-related issues of fitness, recreation and the arts? Two years ago the staff was not available, but now seems to be looking for work and could be made readily available to support an independent Tree Board.

It is common for cities to help defer the cost of canopy inventory and maintenance by making good use of willing, local volunteers. Shoreline is fortunate to have so many who seem anxious to help in some way. What is standing in the way of the Council making this possibility a reality? Establishing a group of volunteers to work with local, volunteer professionals would be right in-line with educating and engaging the citizens to care for this valuable asset. There are numerous things that could be done to enhance our knowledge of and provide for our existing canopy, in addition to planting more.

The city could benefit significantly from an independent Tree Board facilitating balanced and consistent decision making across multiple departments while also reaching into the city's neighborhoods; serving as "a catalyst of change to the broader community." In fact, it might be worth "pooling" some of the canopy-related costs currently spread separate departments into supporting the "intersection" of departments where more fully informed decisions could be made. Canopy experts in will provide the most informed, science-based guidance while also working to educate/train those who want to know more and/or volunteer.

This is an ideal time to bring those who specialize in canopy-related subject matter into the picture where they can help educate others and provide an expert-based approach to solving cross-organizational issues surrounding our canopy by creating an independent Tree Board to help the city realize its Urban Canopy Strategic Plan.



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Comprehensive Plan Natural Environment Goals and Policies References:
<http://shorelinewa.gov/home/showdocument?id=13811>

GOALS

NE I. Minimize adverse impacts on the natural environment through leadership, policy, and regulation, and address impacts of past practices where feasible.

NE II. Lead and support efforts to protect and improve the natural environment, protect and preserve environmentally critical areas, minimize pollution, and reduce waste of energy and materials.

NE IV. Protect, enhance, and restore habitat of sufficient diversity and abundance to sustain indigenous fish and wildlife populations.

NE V. Protect clean air and the climate for present and future generations through reduction of greenhouse gas emissions, and promotion of efficient and effective solutions for transportation, clean industries, and development.

NE IX. Use education and outreach to increase understanding, stewardship, and protection of the natural environment.

POLICIES – GENERAL

NE5. Support, promote, and lead public education and involvement programs to raise awareness about environmental issues; motivate individuals, businesses, and community organizations to protect the environment; and provide opportunities for the community and visitors to practice stewardship, and enjoy Shoreline's unique environmental features.

NE7. Coordinate with other governmental agencies, adjacent communities, and non-profit organizations to protect and enhance the environment.

POLICIES – VEGETATION PROTECTION

NE18. Develop educational materials, incentives, policies, and regulations to conserve native vegetation on public and private land for wildlife habitat, erosion control, and human enjoyment. The City should establish regulations to protect mature trees and other native vegetation from the adverse impacts of residential and commercial development, including short-plat development.

NE19. Minimize removal of healthy trees, and encourage planting of native species in appropriate locations.



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NE21. Identify and protect wildlife corridors prior to, during, and after land development through public education, incentives, regulation, and code enforcement.

POLICIES – CLEAN AIR AND CLIMATE PROTECTION

NE39. Support and implement the Mayor’s Climate Protection Agreement, climate pledges and commitments undertaken by the City, and other multi-jurisdictional efforts

to reduce greenhouse gases, address climate change, sea-level rise, ocean acidification, and other impacts of changing of global conditions.

POLICIES – SUSTAINABILITY

NE40. Establish policy decisions and priorities considering long-term impacts on natural and human environments.

NE41. Lead by example and encourage other community stakeholders to commit to sustainability. Design our programs, policies, facilities, and practices as models to be emulated.

NE42. Recognize that a sustainable community requires and supports economic development, human health, and social benefit. Make decisions using the “triple bottom line” approach to sustainability (environment, economy, and social equity).

NE43. Promote community awareness, responsibility, and participation in sustainability efforts through public outreach programs and other opportunities for change. Serve as catalyst and facilitator for partnerships to leverage change in the broader community.

5. Comments received 1.28.14

Dear Tree board and Parks Department,

I wanted to recognize and thank the tree board and Parks Department on creating an opportunity for the community to voice their thoughts and ideas about our city's trees. I am hopeful that the information you received is helpful in understanding what the city as a whole thinks is a priority. I look forward to the follow-up event. Be well!



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6. Comments Received 1.30.14 and additional information on 2.5.14

Please add the following to my previous email. After some thought I decided that I need to modify what I said in section 4 below about gardening. I stated: "Exceptions should be allowed for people to landscape with light availability for plants kept in mind." When I thought about this more, it seems clear that no one should have to wind their way through the City's bureaucratic process to justify an "exception" for gardening. Rather, just as with solar access, any plan made by the City should recognize horticulture as a right rather than granting an "exception" and that the urban forest plan should be drafted so as not to impose any issue with respect to gardening or solar access.

Use More than One Solution

At a time when we are experiencing environmental changes and when people are becoming much more knowledgeable of what is causing the impact, it is often tempting to grasp what look to be simple solutions to a problem. Environmental problems are not simple, and the solutions are not simple. The idea of increasing the tree canopy of the city seems a simple solution to storm water/surface water issues. A more balanced approach which includes alternatives, such as Bioswales, Rain Gardens, Permeable Road Surfaces, and other Low Impact Development strategies, seems a more rational approach. This would allow alternate ways to solve the problem depending upon the issues impacting the situation, not just increase the tree canopy.

I feel that there are several issues that just expanding the tree canopy as a One-Way-Fits-All approach has not considered.

1.) Storm Water. The Stormwater Management Code requires low impact development (LID) whenever feasible (SMC Chapter 13.10). If storm water is the issue behind the expansion of tree canopy, then other alternative such as bioswales, rain gardens, retention of rainwater from roofs on residential sites and businesses, cisterns, etc be allowed as an alternative to both ROW trees and residential areas. A smarter approach to managing surface water might be to allow a combination of approaches, e.g. also allowing LID alternatives such as Bioswales in the ROW. Furthermore, as permits for home improvements are issued, home owners could be required to meet varying degrees of water retention on the property instead of allowing tight lining of water from roofs directly to the storm water system depending upon the extensiveness of the remodel.

2.) Solar Power. The State of Washington's Energy Independence Act requires large electric utilities to obtain 15 percent of their electricity from new renewable energy resources by 2020 and to undertake cost-effective energy conservation. To encourage use of alternate sources of electricity the federal government allows an Income Tax Credit (not a deduction!) valued at **30% of the total system cost**. **The State of Washington is allowing [a State Sales Tax Exemption for Solar](#) power until 2018, and in some cases until 2020 for alternative energy installations**



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by businesses and residence. Even though hydroelectric power is a major source of electricity in the Pacific Northwest, 38% of electricity generation in Washington State still comes from gas fired, coal fired, and nuclear electricity generation plants. The City should allow trees to be removed when they interfere with generation of electricity using Solar Panels, including this as a exemption to any tree canopy requirements.

3.) LID. Trees in Right-of-Way offer multiple problems because power lines, lighting, and sidewalks are placed here. For years cities, including the City of Shoreline, have struggled with what trees should be allowed that are not too tall to block lighting or damage power lines. Some trees have large root systems which cause buckling of City sidewalk. The addition sidewalks is an improvement that many Shoreline residents wish that they could have, so that walking can be done more safely. Another major consideration is that trees can be pruned and sidewalk can be repaired, but has a cost both in term of maintenance and management. If the City wants to add native trees such as Douglas Fir, Grand Fir, Western Red Cedar, or Big Leaf Maple to the approved list, it has to budget for the maintenance of ROW trees. To not take this into consideration is irresponsible in my opinion. Thus, any change to the ROW trees should carefully consider the financial cost that the City would be responsible for. If you pass laws permitting something to happen, then you need to also determine how you are going to pay for actually pruning trees, evaluating hazardous tree potential, or correcting sidewalk issues. You also need to pay for the management of it using qualified professionals.

The 2012 Engineering Development Manual used by the City of Shoreline Public Works Department and the Planning and Development Services advocates the Low Impact Development strategies. Thus, a more practical approach would be to include alternatives to increased tree canopy as a means of controlling surface water runoff.

4.) Gardening. Exceptions should be allowed for people to landscape with light availability for plants kept in mind. As president of Kruckeberg Botanic Garden Foundation, which manages the garden for the Cities benefit, light availability restricts what we can select for our native plant demonstration garden in the lower meadow at the Kruckeberg Botanic Garden because of the density of the canopy cover.

I am a dedicated vegetable and flower gardener. Vegetables and some flowers do not do well without sunlight that an extensive tree canopy will restrict. There are many residents who want fresh, organic vegetables for our salad bowl, soups, or greens.

5. Water Usage. Another issue that extensive canopy coverage can cause is restriction of plant life in the understory. As I have become aware over the last 7 years as I have worked on Urban Forest Management issues, some areas of Innis Arden Reserves are dry, even during normal winter storm season rest, making it difficult for native plants to compete with non-native invasive plants such as English Ivy. Some areas in which English Ivy has been removed is slow



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to re-vegetation, even though planted with dry tolerant native plants. Thus, the net effect of an extensive canopy coverage could actually result in even more use of water to keep landscape shrubs alive during the summer season. Thus, solving a problem during the wet winter season by a single approach may cause another problem, such as over usage of water, during our dry summer season.

7. Comments Received 2.6.14

How can this be the USA when the bureaucrats in Shoreline are threatening to take away our property rights? We are endowed by our Creator (not government) with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. I happen to like sunshine. It helps my garden grow, brightens my mood and warms my house. I don't like the darkness provided by trees.

A neighbor wrote "One of my concerns is that the City allows for deforesting on development sites, for the purpose of allowing the building of new and additional tax parcels. Then they would like burden the existing land owners with their plans to reforest our City. That's not right and that's not good policy.... New restrictions typically apply to new developments and not to established properties that are deemed to have vested property rights...."

8. Comments received 2.7.14

1. It is our opinion that any efforts towards urban forestation should take place on City-owned properties like parks. Policies should NOT conflict with any private covenants. The number of trees which exist within Innis Arden is far greater than what will be found throughout Shoreline on a per-acre basis. Our covenants for "water and mountain views" must be respected; they have, after all, been upheld in the courts. We, personally, have a high number of trees on our property, trees which are not view blocking. But we wish to be able to continue to have removed trees which are view-blocking, including inappropriate trees planted years ago on City right-of-ways. This action was not done using good judgement! There are plenty of tree varieties, including native trees, which better suit the need and will not lead to damage and other problems as they grow to a reasonable height.

It is not healthy to live in an environment where natural light is blocked from entering homes, and also prevent the sun's rays from nurturing the growth of home gardens. Solar panels are increasingly being installed in older and new homes; they can't function with filtered light coming through tall trees. I have noticed a huge number of Shoreline homes, surrounded by tall trees, which have roof tops covered with thick moss and tree debris. This lack of home upkeep gives a somewhat "trashy" look to our City. Adding more trees on residential streets and private



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property will only increase the homeowner's inability to maintain their property, thus lowering property values and making Shoreline residential properties less desirable. The maintenance and upkeep of any newly planted trees on public property should be seriously considered from the standpoint of maintenance, cleaning up leaves, interference with the sewer system, etc.

The current City policy with regard to hazardous tree removal must be revisited as these trees may well pose a huge hazard to public safety.....now or in the near future. We should be able to remove all such trees without a great deal of government (City) interference. Thank you for your consideration!

9. Comments Received 2.7.14

Our comments are as follows:

Long-standing private covenants should take precedence over urban forest policies.

Don't overspend on urban forests at the expense regular maintenance of the city.
Excessive staff time spent on being a "Tree City" should be carefully controlled.

Regulatory burden and its increasingly onerous costs to private property owners should be minimized.

Any increase in canopy should take place on public property.
The ROW tree list should not include tall-growing species.

The plan should recognize private vegetation management plans.

Solar access is just as important as canopy increases.

Any hazardous tree, as determined by a city-approved arborist, should be removed immediately.



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10. Comments Received 2.7.14



Jane S. Kiker
kiker@ekwlaw.com

February 7, 2014

Via E-mail and US Mail

pks@shorelinewa.gov

Mr. Richard Deal (ddeal@shorelinewa.gov)
Director, Parks, Recreation & Cultural Resources
City of Shoreline
17500 Midvale Avenue N.
Shoreline, WA 98133

Ms. Maureen Colaizzi (mcolaizzi@shorelinewa.gov)
Park Project Coordinator
City of Shoreline
17500 Midvale Avenue N.
Shoreline, WA 98133

RE: The Innis Arden Club, Inc.'s Preliminary Comments On City Tree Board's Draft
Urban Forest Sustainability Matrix

Dear Mr. Deal & Ms. Colaizzi:

The Innis Arden Club Inc. submits these preliminary comments on the City's proposed
Draft Urban Forest Sustainability Matrix ("Matrix").

The Urban Forest Strategic Plan ("UFSP") materials' announced purpose is to "guide
the community over the next five years regarding planning, management and maintenance of
public trees." UFS Planning Process Overview (emphasis added). However, throughout the
Matrix there are references – particularly in the "key objectives" column – to a "city-wide urban
forest management plan" with repeated references to "private property" and "private land" in
addition to public trees. See, e.g., Matrix, at 8 ("Develop and implement a comprehensive urban
forest management plan for private and public property"); and at 10 ("Integrated municipal wide
policies that ensure the protection of trees on public and private land are consistently enforced



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and supported by significant deterrents..."). Thus, the Board has failed to adequately describe the scope and objectives of this planning process.

There is a critical distinction between a planning effort to better manage the City's own trees on City property and one contemplating imposition of additional burdens and standards on private property. The latter requires candid public notice that the planning process underway is not in fact limited to City-owned trees.

1. Tree Canopy Should Occur On City Property Such As Parks

Per the City's own studies, its tree canopy has not been shrinking but in fact has been stable at over 30% over the past two decades, even increasing slightly since 1992. March, 2011 Urban Tree Canopy ("UTC") Assessment Project by Amec Earth and Environmental, Inc., at 2 ("Major Findings"). Therefore, the "Urban Forest Strategy Plan" should not be a vehicle for increasing tree canopy burdens on private property owners as part of a strategy to "up" the percentage of urban forest canopy from that which has historically existed in the City. The focus of this planning effort must be on City-owned property, with an emphasis on parks. Residents -- particularly in single family neighborhoods such as Innis Arden, which already account for the lion's share of the City's tree canopy -- can be encouraged to increase canopy on private property, but cannot be required to do so. Further, any measures to increase canopy should address areas where canopy is currently below the historic City average starting with commercial and business districts and properties which contribute as much or more to storm water and carbon problems as residential neighborhoods do.

2. The City Should Adopt Code Amendments Crediting Private Stewardship Efforts And Eliminating Regulatory Disincentives

Innis Arden has 50 acres of dedicated private Reserve Tracts containing almost 8,000 trees. Per the Innis Arden Mutual Restrictive Easements, these open space Reserves must be used for parks, bridle trails, playgrounds, or other community purposes. For over half a century, long before incorporation of the City of Shoreline, the Innis Arden Reserves and their trees have been managed for environmental stewardship, hazard reduction, recreational use, and view preservation. In 2013 alone, the Innis Arden Natural Reserves Committee kept EarthCorps personnel fully employed for at least 25 days, planting 278 trees, 495 shrubs, and 137 ground covers (all native species).

City Code should facilitate such management rather than hamper it. The Club has always accepted reasonable municipal regulation as part of its Reserves management. However, beneficial Code provisions -- for example, provisions authorizing large tract vegetation management plans ("VMP") -- have been arbitrarily eliminated. Code provisions long applied to allow such measures as pruning and windowing to maintain and restore views have been re-interpreted to severely curtail such activities. Private property owners must now undergo an expensive and burdensome permit process in order to remove one or two unhealthy trees. That



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such regulatory zealotry is unnecessary is demonstrated by the Code's selectivity: it currently exempts removal of invasive species from permitting requirements only when removal is undertaken on City-owned property. Private property owners must go through the City's notoriously dysfunctional and expense-generating processes to obtain a permit to remove noxious vegetation -- while the City has exempted itself from such rigors. This does not foster healthy forests.

Rather than inserting into a plan supposedly addressing City trees suggestions for new burdens and tasks to impose on private treed open space such as the Innis Arden Reserves, the City should include a mandate to ease the regulatory expense and burden of managing such tracts. Normal and routine maintenance of the Reserves should be exempted from City "tree conservation and land clearing" standards in Subchapter 5 of the Development Code which generally presumes that tree removal is occurring in connection with development or site preparation activities. The City should re-establish the former Code provisions for long-term vegetation management plans that permit ongoing stewardship of open space tracts without the need for piecemeal permitting. At least twice in the past six years the Club has provided the City with proposed legislation that would achieve this goal. See, e.g., attached January 17, 2012 letter (at 8), re-forwarding the Club's 2008 proposed legislation. The City has failed to take action on this in the past: the current planning effort provides a key opportunity.

3. City Management of Public Trees Should Respect Private Property Rights

a. Respect Private Covenants

The City cannot forcibly enlist homeowners in a crusade to re-forest the City when current homes and developments were sited, permitted, and constructed under different rules. These development decisions, which took into account solar access, light and air availability, horticulture and views, are now vested and cannot be undone by City fiat. In the case of Innis Arden, its Covenants and the directions they set for construction of homes and preservation of views long pre-date the City of Shoreline. The Washington Courts have recognized the continuing existence and authority of the Innis Arden Covenants and of private covenants in general. They have never endorsed municipal *de facto* abrogation of such covenants except when the covenants were constitutionally repugnant (e.g. discriminatory). The principle involved in the requirement for municipal respect for the private property rights inherent in private covenants need not be tested judicially so long as the City refrains from overreaching and instead seeks a *modus vivendi* with long-established covenants such as Innis Arden's.

Other cities have successfully acknowledged the balancing that must occur and accommodate longstanding property rights/amenities such as views and view covenants rather than treating them with unrelenting hostility. The City of Clyde Hill Code includes a good summary of why such accommodation makes sense, acknowledging the value in both trees and views:



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public rights of way. The City should reject any proposals to expand the City's current street tree list to include larger varieties of trees such as Douglas Firs, Western Red Cedars and Big Leaf Maples. These species--and many others that have been after review excluded from the list--are not appropriate for rights of way due to the damage their large root systems and/or branches typically cause to public improvements, as well as to private driveways, landscaping and drainage facilities. Species allowed on rights of way should be limited to a 40-foot maximum height, to avoid such interference.

The current tree type and removal regulations for so-called right of way trees are not perfect from the Club's perspective. But they have been the basis for accommodation of the Club's interests in covenant enforcement. In 2012 the Club filed a lawsuit against the City over this issue which it subsequently, voluntarily dismissed without prejudice when the City approved removal of the trees at issue and established a new process for removing street trees going forward. The Club continues to reserve all rights in this regard. Any proposal to increase the potential height of right of way trees, add problematic species to the street tree list or make it harder to remove trees found to violate the covenant, would be a counterproductive step backward and potentially re-open a legal discussion that both the City and the Club were glad to put behind them. Further, there is no need to re-open that discussion: the current regulations have not been shown to have significantly impacted over-all tree canopy.

d. Recognize Alternate Means Of Achieving Municipal Stormwater Management Goals And Reducing Greenhouse Gases

The UFSP draft vision statement includes two very broad municipal objectives -- "environmental enhancement" and "community livability" -- for urban forest management. The City has provided little concrete explanation of what these specifically mean, but there are some signs that they relate generally to reducing greenhouse gases and better controlling stormwater runoff. These vague goals may be enough to justify (with little specific documented nexus) a program to increase City-owned tree canopy. They don't provide a fair or legal basis for adding to private tree owners' burdens -- particularly in a City whose canopy is not in decline. Further, to the extent that better, more efficient stormwater management is desired, the UFSP planning process should recognize that increasing the tree canopy is only one means of achieving this goal. Public and/or private roof gardens ("green roofs"), right of way bioswales and/or recycled roof runoff (e.g., rain barrels, cisterns) and other low impact development practices, are viable, legal alternatives to increasing the tree canopy, particularly in residential neighborhoods.

Finally, an agenda focused on "urban tree canopy" in an oversized sense is not appropriate. The benefits of vegetation and canopy are provided by trees (and shrubs) of all heights and varieties. Increasing the size and diversity of the urban canopy can be achieved without expanding the City's established right of way tree list to include the largest firs, cedars and maples. Promoting the tree canopy should not eclipse the importance of planting site-appropriate trees, particularly in the right of way. A primary focus of the urban forest strategic plan should be to develop policies for incorporating a broad variety of native trees and shrubs



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that provide canopy diversity without interfering with public or private infrastructure, solar access or views.

- e. The City Should Lift Overburdensome Restrictions On Removal Of "Non-Imminent" Hazard (i.e., Non-healthy) Trees*

If the City is to consider measures to promote the health of the urban forest, it must recognize that it is sometimes necessary to proactively remove damaged or diseased trees that have not yet become "active and imminent hazards." Recently, the City made it far more costly and time-consuming for citizens to carry out this task by eliminating a former permit exemption that allowed removal of an unhealthy tree that posed a "non-imminent hazard", based on an arborist's report. Requiring a permit to remove such trees creates an economic incentive for property owners to overlook diseased or damaged trees, discouraging the removal of such trees before they spread disease to other trees and/or they became imminent hazards themselves. Any strategy that demands increase in canopy on private property while inhibiting hazard tree removal as in the current Code is certain to increase risk to public health and safety in addition to putting the urban forest at risk.

The Innis Arden Club appreciates the opportunity to comment and will watch the ongoing planning with interest because significant rights are at stake.

Sincerely,

EGLICK KIKER WHITED PLLC

Jane S. Kiker

Attachment: January 17, 2012 letter

cc: Client



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Peter J. Eglick
eglick@ekwlaw.com

January 17, 2012

Via E-mail and Fax
(junderwood@shorelinewa.gov)

Julie Underwood
City Manager
Shoreline City Hall
17500 Midvale Avenue N
Shoreline, WA 98133

RE: Innis Arden Club's Comments Re City of Shoreline Proposed Amendments to Critical Area Regulations

Dear City Manager Underwood:

Michael Jacobs, President of The Innis Arden Club Inc. Board of Directors, has instructed us to submit this letter commenting on a recent Department proposal for amendments to the City's Critical Area Regulations. The proposal was unveiled very late last year and came as an unwelcome holiday surprise to the public, as noted in a December 29, 2011¹ letter submitted on the Club's behalf. Therefore, your courtesy in allowing additional time for public review and comment was much appreciated.

The comments below, prepared by my partner Jane Kiker and me, are based on our independent expertise in land use and environmental law, including as outside counsel for various municipal clients. They are sponsored by and submitted on behalf of the Innis Arden Club, but would be appropriate regardless of whether we had been engaged by the Club, the City, or another client.

The sections below address specific proposed amendments. What is notable as a threshold matter, however, is that over-all the amendments are not rooted in cognizable scientific analysis or documentation. In some cases, they appear to be inappropriately reactionary. We suspect that, because they are dense and technical, your office cleared the amendment proposals for issuance without being aware of this. With that said, here are our specific comments, which make clear why these proposals should be withdrawn.

¹ A copy of the December 29, 2011 letter is attached for your convenience.



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Geologic Hazard Area Definitions/Classifications -- SMC 20.80.220.A and .B

The proposed amendments would eliminate from the Shoreline Code "Definitions" chapter, SMC Ch. 20.20, the City's longstanding definitions of "landslide hazard areas", "steep slope hazard areas", and "erosion hazard areas". Although the report accompanying the proposal implies that these definitions have simply been moved, unaltered, to the Code's Critical Areas chapter, SMC Ch. 20.80, this is not the case. As explained below, these changes would result in confusing and contradictory standards for the Landslide Hazard Area classification in SMC 20.80.220.A, as well as unworkable rules for delineating steep slopes under Section 20.80.220.B.

For example, in SMC 20.80.220.A, ("Landslide Hazard Areas"), several new criteria for classifying 15 percent and greater slopes as landslide hazard areas are proposed, while former criteria have been eliminated. There is no explanation as to how these particular criteria were selected, or why they are suitable for Shoreline. Likewise, there is no discussion of why and on what basis other criteria previously included in the "Landslide Hazard Area" definition were removed. The criteria removed were ones that the Hearing Examiner's Bear Reserve Decision cited in concluding that Bear Reserve slopes did not meet the part of the current definition (now proposed to be deleted) for landslide hazard areas in SMC 20.20.014.

Further, the new criteria bear little or no correlation to the City's classification of "moderate," "high," and "very high" landslide hazard areas which under the amendment proposal would remain in SMC 20.80.220.A. For example, while one of the new criteria would include as "moderate landslide hazard areas" slopes of more than 15 percent "that have shown movement during the Holocene Epoch or that are underlain by landslide deposits," the proposed amendments retain SMC 20.80.220.A provisions to the effect that the "moderate hazard" classification is based on steepness of slope and soils types. Rather than providing "greater clarity" and "ease of use"² the amendments create confusion with potentially inconsistent standards for classifying landslide hazard areas regardless of whether the two different sets of "classification" criteria are to be read separately or concurrently. It would be unfortunate if this confusing insertion of new criteria turned out to be a reactive attempt to vindicate the Department's Bear Reserve approach, which the Hearing Examiner rejected.

The proposed amendments to SMC 20.80.220 contain two sections labeled "B": the first entitled "Steep Slopes"; the second purporting to address "Landslide Hazard Areas," even though those are the subject of SMC 20.80.220.A. The first Section B apparently attempts to "classify" steep slopes, with no explanation as to why. The attempt is unnecessary. Per the State's Growth Management Act (GMA) guidelines, WAC 365-190-120, the common definition for steep slope hazard areas – slopes of 40% or greater with a minimum vertical rise of 10 feet – is typically incorporated into a municipal code's criteria for classifying landslide hazard areas. A separate category of Geological Hazard Areas classified as "Steep Slopes" creates needless

² Department memorandum for January 5, 2012 Planning Commission Meeting Agenda Packet, at p.2.



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confusion.³ Consistent with this, SMC 20.80.220.A(3) as it now exists --and as proposed -- already calls out Steep Slopes as Landslide Hazard Areas, by including "all slopes 40 percent or steeper" as "Very High Hazard" areas.⁴

SMC 20.80.220.B -- Slope Delineation and Measurement

The Department memorandum on the proposal claims that [the second] "Section B is completely new language that defines what a landslide hazard area is." However, the definition in the section's introductory statement ("Landslide hazard areas are those areas in the City of Shoreline regulated as a landslide hazard area in SMC 20.80.220.A with slopes 15% or steeper within a vertical elevation change of at least ten feet") merely repeats the proposed definition in Section A and is not new. What is new is the section's methodology for slope delineation and measurement, reflected in the Department's proposed strike-out and underline revisions:

1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 15 40 percent from slopes that are 15 40 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10%. Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet; and
2. The top of a slope is a distinct topographic break in slope which separates slopes inclined at less than 15 40 percent from slopes that are 15 40 percent or steeper. A distinct topographic break is an area that is at least 15 feet wide measured horizontally and slopes less than 10%. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops 10 feet or more vertically within a horizontal distance of 25 feet.

These proposed SMC 20.80.220.B changes to the methodology for delineating and measuring slopes appear to be, like so many of the proposed amendments, without support from scientific or engineering data and unbiased analysis, or from reliable documentation of actual adverse results from application of the current methodology. Further, the proposed amendments would apply the methodology to all slopes in the City that are 15 percent or steeper. However, such a prescribed methodology is typically reserved for delineating "steep slopes" -- 40 percent

³ For example, the City of Edmonds no longer regulates steep slope hazard areas separate from landslide hazard areas. King County similarly does not have a "steep slope hazard area" category. The State guidelines provide the following model for including certain steep slopes as a classification of Landslide Hazard Area:

Any area with a slope of forty percent (40%) or steeper and with a vertical relief of ten (10) or more feet except areas composed of consolidated rock. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten (10) feet of vertical relief.

WAC 365-190-120(6)(i).

⁴ As amended, this subsection would read: "Very High Hazard: Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage, areas of landslide deposits regardless of slope, and all slopes 40 percent or steeper." SMC 20.80.220.A(3) (emphasis added). The proposed amendments appropriately -- as in Bellevue's Code -- include within the "Steep Slopes" definition a 1000 square feet minimum area.



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or greater -- which are the ones generally subject to more stringent restrictions. The Department does not cite any other jurisdiction in the state that applies such methodology to slopes less than 40 percent. Notably, the City of Bellevue's 2005-2006 "critical areas update" on which the Department apparently relied in drafting these Shoreline proposed amendments, focuses only on steep (40%) slope delineation, as evidenced by Bellevue's straightforward "top" and "toe" definitions:

20.50.048 T definitions.

Toe of Slope. The lower boundary of the 40 percent slope as delineated on the slope category analysis; or in the case of landslide hazards, as delineated by the geotechnical report. [Emphasis added.]

Top of Slope. The upper boundary of the 40 percent slope as delineated on the slope category analysis; or in the case of landslide hazards, as delineated by the geotechnical report. (Ord. 5683, 6-26-06, § 52; Ord. 4979, 3-17-97, § 23; Ord. 4302, 11-18-91, § 18). [Emphasis added.]

The Department's proposed language would, without acceptable explanation or precedent, and contrary to the Bellevue Code on which the Shoreline amendments are supposedly modeled, effectively eliminate recognition of a slope "top" and "toe" unless one slope is less than 15 percent. This is contrary to common sense as well as well-accepted surveying and engineering geological practice. For example, an objectively observable "distinct topographic break" between a 20 percent slope and 40 percent slope would apparently no longer be considered the top or toe of that 40 percent slope for purposes of "steep slope" delineation. Yet, such delineation is required in order to properly apply the City's different standards in SMC 20.80.240 and SMC 20.80.230 for critical area alteration and buffer provisions in "moderate", "high" and "very high" hazard areas.

The arbitrary nature of the proposed amendments' top and toe and distinct topographic break provisions is compounded by new language limiting recognition of such breaks to areas that are at least "15 feet wide measured horizontally with less than a 10% slope." There is no support for adopting such an extreme requirement in preference to site specific interpretation and scientific analysis provided by qualified experts. The Bellevue Code, cited by the Department as a model for some aspects of its proposed amendments, does not support this approach. The Department and the City Attorney tried to insist on such a 15 foot standard before the Hearing Examiner in the Bear Reserve appeal this past August. However, it soon became clear that the City's consulting engineer could not offer a scientific (as opposed to a support-his-client-the-City-regardless) basis for a flat 15 foot standard and the Hearing Examiner declined to adopt it.

In fact, as the Club's expert engineering geologist testified in the Bear Reserve hearing, proper determination of a distinct topographic break is based on direct observation of slope characteristics and load factors and the extent to which a "break" reduces the weight bearing on a given slope. If a topographic break on the slope removes significant weight from the lower portion of the slope, that break is considered a distinct topographic break, regardless of its



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horizontal width. A minimum width of five feet (at the most) might conceivably be defensible, but only if coupled with a provision granting exceptions based on a professional evaluation of load factors.

The proposal requiring a topographic break to have a fifteen foot minimum width with a maximum 10% slope would lead to results that cannot be justified in terms of science or reasonably anticipated adverse impacts. For example, a 15 foot wide (or even much wider) area with a 12% slope would no longer be considered a “distinct topographic break” even where it separated, for example, a 60% slope from a 20% slope. What compelling objective data or analysis supports this approach and outcome?

Ironically, while the proposed amendments would tamper with and add a level of confusion and arbitrariness to various slope provisions, they retain one current, confusing provision from the former steep slope hazard area definition:

Where no distinct break exists, the toe of a steep slope is the lower most limit of the area where the ground surface drops ten feet or more vertically within a horizontal distance of 25 feet.

This definition of the toe of the slope attempts to describe the exact point where a 40% slope becomes a slope of 39% or less. However, its application can be the subject of debate as occurred during the Bear Reserve appeal. The City of Bellevue does not attempt such a one size fits all approach and instead expressly relies on steep slope delineations in a site-specific professional geotechnical report (“in the case of landslide hazard areas, as delineated by the geotechnical report.”)

Arbitrary Elimination of Small Natural Slope Exemption (SMC 20.80.030.F)

Current Shoreline Code section 20.80.030. F includes a small natural steep slope exemption. Previously, this exemption applied to certain activities proposed on small natural and engineered steep slopes with a vertical elevation change up to 20 feet. The proposed amendment would eliminate that exemption where such slopes are greater than 10 feet in height, purportedly leaving the exemption in place, but only for small slopes up to ten feet. However, the critical area regulations – even as revised – already expressly define regulated slopes as those in excess of 10 feet.⁵ Therefore, in reality, the amendments do not just pare back the small natural slope exemption – they effectively gut it entirely without saying so.

In light of Shoreline’s topography, the elimination would impact many properties within the City, which means the City’s property owners as a whole, rather than Innis Arden in particular, will suffer from the consequences of this arbitrary amendment. Yet, here, again, there

⁵ In the Bear Reserve decision, the Hearing Examiner found that many of the slopes at issue did not meet the 10-foot minimum height requirement in the critical areas regulations and therefore did not require “exemption” under this provision.



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has been no explanation for or objective scientific analysis supporting elimination of the exemption for small natural slopes up to 20-feet high.

Proposed Critical Areas Report Procedures Would Add Bureaucracy and Expense and Create the Potential for Interference in Expert Consultant Analysis

As initially addressed in the Club's December 29, 2011 letter, the proposed changes to SMC 20.80.110 would require that all critical area reports, including geotechnical reports, be prepared only by experts controlled by the Department and working under a Department-dictated contract. The Department memorandum alludes vaguely to past experience supposedly prompting this proposal, but no specific, verifiable cases are cited. In contrast, as described in the Club's December 29, 2011, there is recent documented experience with overzealous Department staff attempting, "off the record," to pressure an independent expert engaged by the Club into recanting his expert conclusions. This occurred at a time when the Department knew that those conclusions had already been validated by the relevant expert at the Washington Department of Fish and Wildlife, with whom the Department had consulted.

In any event, the Department has cited no other jurisdiction that operates in the manner proposed in these amendments. Under them, the Department would inject itself into consultant contract terms, costs, and work, leaving taxpayers -- and applicants/property owners -- to pay for this expanded administrative undertaking. Citizens would be denied the opportunity to select and negotiate contract terms and specifications with their chosen consultant.

The City already has a "Qualified Professional" program which requires applicants to select their consultants from the City's list of approved professionals. The Department tries to justify the proposed significant revisions by complaining that it lacks authority to remove professionals from the approved list for cause, for example, where the City deems a professional's reports "routinely" inadequate, resulting in delay. However, such hypothetical delay, if really the consultant's doing rather than the result of shifting or redundant Department demands (such as Innis Arden Club experienced directly in Bear Reserve) would be a matter for negotiation between the applicant and the consultant. Its hypothetical occurrence does not justify inserting the Department as contract manager for every applicant and application -- an extreme "solution", offered without documented case histories demonstrating an actual recurrent problem.

If a recurrent problem truly exists and that problem is, as the Department suggests, attributable to the absence in the Code of explicit authority for removal for cause from the City's Qualified Professional list, then the straightforward solution would be to add that authority. Certainly, that would be much less overreaching than across-the-board injecting the Department into the contractual relationship between land use applicants/property owners and consultants.



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The Proposed Amendments Perpetuate an Extreme Approach that Needlessly Pits Environmental Concerns Against View Covenants and Other Longstanding Property Rights

Innis Arden has fifty acres of dedicated Reserve Tracts containing almost 8000 trees. No other platted residential community in the City makes such a contribution to the "canopy." For over half a century, long before incorporation of the City of Shoreline, the Innis Arden Reserves and their trees have been managed for environmental stewardship, hazard reduction, recreational use, and view preservation.

The Club has always accepted reasonable municipal regulation as part of that management. However, in recent years, the Shoreline Code and those administering it have become progressively more antagonistic to the Club's core concerns and rights. Beneficial Code provisions -- for example, provisions authorizing large tract vegetation management plans ("VMP") -- have been arbitrarily eliminated. The ability to address in a timely fashion trees presenting imminent hazards was replaced with a cumbersome system that the Department administers with so little alacrity that one day it will inevitably result in City responsibility for a serious injury. Code provisions long applied to allow such measures as pruning and windowing to maintain and restore views have been re-interpreted to severely curtail such activities. Other cities and their codes attempt to accommodate longstanding property rights/amenities such as views and view covenants rather than treating them with unrelenting hostility.⁶

For example, the City of Mercer Island Code provides that a tree permit "will be granted" where the proposed removal is:

[T]o enable any person to satisfy the terms and conditions of any covenant, condition, view easement or other easement, or other restriction encumbering the lot that was recorded on or before July 31, 2000; and subject to MICC 19.10.080.A(2) [imposing special procedures for tree pruning/removal in "critical tree area"].

Mercer Island §19.10.040.B .

⁶ The City of Clyde Hill Code includes a good summary of why such accommodation makes sense, acknowledging the value in both trees and views:

It is recognized that trees and views and the benefits derived from each, may come into conflict. Tree planting locations and species selections may produce both intended beneficial effects on the property where they are planted, and unintended deleterious effects on neighboring properties. Trees may block light, impinge upon the utilization of solar energy, cause the growth of moss, harbor plant disease, retard the growth of grass, harbor rodents, interfere with snow and ice removal, as well as interfere with the enjoyment of views, including the undermining of property values. It is therefore in the interest of the public welfare, health and safety to establish standards for the resolution of view obstruction claims so as to provide a reasonable balance between tree and view related values.

CHMC 17.38.010.D.



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The City of Bellevue also acknowledges the importance of such covenants, and requires that they be given consideration in City review of Vegetation Management Plans:

In determining whether the vegetation management plan should be approved, the Director shall take into consideration any applicable neighborhood restrictive covenants that address view preservation or vegetation management if so requested in writing.

BMC 20.25H.055.C (3) (i) (vi). Bellevue's Vegetation Management Plan provisions are worth consideration by Shoreline in their entirety. They allow for vegetation management and replacement in a critical area buffer or within a geologic hazard critical area. And, in addition to requiring that its Department "take into consideration" view preservation covenants, the Bellevue Code further recognizes that a VMP can include tree removal and replacement with native tree species that do not grow as tall:

Short- and long-term management prescriptions, including characterization of trees and vegetation to be removed, and restoration and revegetation plans with native species, *including native species with a lower growth habit*. Such restoration and revegetation plans shall demonstrate that the proposed Vegetation Management Plan will not significantly diminish the functions and values of the critical area or alter the forest and habitat characteristics of the site over time.

Id. (Emphasis added).

There is a More Constructive Approach Available Involving Appropriate Code Amendments

As noted, many of the December, 2011 proposed amendments appear to be focused on changing those portions of the Code on which the Hearing Examiner ruled against the City in the recent Bear Reserves appeal. That focus is shortsighted. The amendments themselves do not reflect mature consideration. They will foster more litigation, ill will, and expense for the City.

An alternative, constructive path is available. Four years ago, in 2008, Innis Arden proposed language to restore a vegetation management plan framework to the Shoreline Code after the then-Planning Director Joe Tovar took steps that had the effect of eliminating authority for their use. At the same time, the Club also proposed revisions to the cumbersome hazard tree requirements adopted two years earlier, in 2006, as part of another Tovar initiative.

Mr. Tovar treated the Club's reform proposals with barely concealed contempt. They received no serious consideration in 2008 or in any ensuing year. 2012 should be different. The draft of the Club's 2008 proposal is attached as an appendix to this letter. It would make a good starting point for Code amendments that are actually needed in contrast to the ill-advised ones floated by the Department in December, 2011 and analyzed in detail in this letter.



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In the event that the City determines nevertheless to proceed with the Code critical area amendments released in late December, 2011, we have attached for your consideration, as another appendix to this letter, an alternative version with much more limited and moderate revisions. We request that you distribute this letter and attachments to all appropriate recipients to ensure that the Club's comments are fully considered.

Meanwhile, the Innis Arden Club would welcome the opportunity to work constructively with you and the Department on these important matters.

Sincerely,

EGLICK KIKER WHITED PLLC

Peter J. Eglick
Attorney for The Innis Arden Club Inc.

cc: Client

Enclosures:

Club's 12/29/11 letter to Ms. Underwood
Club's 2008 proposal
Proposed Code Language



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LOG #

Planning and Development Services
17544 Midvale Avenue North,
Shoreline, Washington 98133-4921

Please complete the following:

Applicant for Amendment: *Innis Arden Club, Inc*
Address: *PO Box 60038*
City: *Shoreline*
State: *WA*
Zip: *98160*
Phone - Day: *(206) 547-1105*

Please specify:

Shoreline Development Code--Chapter 20.80

Amendment Proposed: Please describe your amendment proposal.

The Innis Arden Club Inc. proposes two related amendments. One is to add a new section to SMC Chapter 20.80 authorizing Critical Areas Stewardship Plans to allow for management on a long term and systematic basis of larger critical areas without the delays and duplicative expense inherent in piecemeal review. The second, related proposal is to modify the hazardous tree exemption provisions in SMC 20.50.310 A 1 d which have proven to be unworkable since their adoption in 2006. In proposing these amendments, The Innis Arden Club Inc. requests that they be considered in full and in full compliance with GMA public participation requirements by the Planning Commission and the City Council.

20.80.xx Critical Areas Stewardship Plans.

A. Management including pruning, removal, replacement, and related mitigation and restoration of vegetation in critical areas and their buffers shall be permitted pursuant to Critical Areas Stewardship Plans prepared to (1) maintain or ensure the safety of pre-existing recreational and/or access trails; (2) enable the preservation and restoration of views of Puget Sound and Olympic Mountains in neighborhoods where rights to such views have been judicially recognized; or (3) for analogous purposes.

B. Critical Area Stewardship Plans may be submitted to the Director by an owner or owners(s) of the parcels proposed to be included within the scope of the Plan and shall include the following:

1. An inventory of known watercourses, significant vegetation, and physical improvements (including but not limited to trails and underground and overhead utilities lines); identification of soils conditions, areas with slopes in excess of 15% and of 40%, and fish or wildlife habitat associated with significant species that are present on site. Said inventory may be based in whole or in part on publicly available reports,



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delineations, or other records.

2. An assessment by a qualified expert or experts of significant ecological functions and values in the designated management zones including recommendations for preservation of such functions and values under the proposed Stewardship Plan.
 3. A narrative describing applicable principles, methodologies and vegetation management practices that will be employed to achieve the stated objectives in the delineated management zones.
 4. Other graphic or narrative information necessary in the expert or expert's opinion to provide reasonable assurance that the significant functions and values of the designated management areas will be maintained consistent with reasonable application of the law and recognition of pre-existing legal rights. Such maintenance may be demonstrated through, among other things, phased mitigation or restoration measures.
- C. The Director shall review and issue his or her recommendation on a proposed Critical Area Stewardship Plan within 30 days of its formal submission for approval. The proposed Plan and the Director's recommendation shall thereafter be scheduled for public hearing and decision before the Hearing Examiner. The Examiner shall approve the proposed Plan unless he or she affirmatively concludes that, when considered in light of the factors set out in subsection A, the proposed Plan does not provide sufficient assurance that significant functions and values of the designated management areas will be maintained including through proposed mitigation/and or restoration measures. The Examiner may also approve the Plan with conditions or may remand the proposed Plan for provision of additional information followed by a continued public hearing.
- D. Once approved, a Critical Areas Stewardship Plan shall be effective for and authorize the activities and actions it describes for a period of ten years from the date of its final approval, notwithstanding any other provision of this Chapter or Title.

As noted above, the Innis Arden Club Inc. also proposes related amendments to the Development Code's hazardous tree exemption provisions that were adopted in 2006. These have proven unworkable. Requests for exemption approvals since the time of the code amendment's adoption have languished at the City. In some instances, hazardous trees for which removal exemptions have been requested have since fallen, as evaluations obtained by the Club suggested might occur. In another instance in which no response has been forthcoming, failed trees that actually threaten the stability of stream banks and slopes and a private home adjacent to a Club Reserve tract and which should be removed for that reason have remained in place while a request for hazardous tree removal exemption has lain stagnant at the City. No one has yet been hurt and no homes have yet been lost, but if the present trend continues, a serious incident is bound to occur. The Club therefore proposes the following amendment, presented in strike-out and underline format for ease of



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comparison to the current provision with explanations for the changes made bracketed and highlighted in yellow:

20.50.310 A 1 d. For trees that pose an active and imminent hazard to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines, or are uprooted by flooding, heavy winds or storm events, the Director may verbally authorize immediate abatement by any means necessary.

e. For hazardous circumstances that are not active and imminent, such as suspected tree rot or diseased trees or less obvious structural wind damage to limbs or trunks, a permit exemption request form must be submitted by the property owner together with a risk assessment form. Both the permit exemption request form and risk assessment form shall be provided by the Director who shall require that the risk assessment be signed by a certified arborist or professional forester. However, notwithstanding the foregoing, if the Director has not made such forms generally available both electronically and by hard copy within fifteen days of the date of these amendments, exemptions may be requested through submission of a hazardous tree assessment on a form such as that circulated by the International Society of Arborists ("ISA") signed by a certified arborist or professional forester. The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat would be useful and may safely be retained. [If the forms called out by the 2006 code amendment even exist, they are not generally available, making citizen compliance with the 2006 amendment technically impossible. The amendments to this section are meant to address that problem.]

f. Submission of a ~~The permit exemption request to the Department form shall be deemed to include a grant of permission for the Director and/or his staff or qualified professionals engaged by and under the supervision of the Department to, at an agreed time and date, make a site visit in the company of the applicant and/or its qualified professionals to evaluate the specific circumstances that are the subject of the exemption request. Such permission is limited strictly to the exemption matter prompting the site visit and neither the City nor its consultants may utilize the site visit for any other purpose. Further, in requiring such a site visit, the City shall hold the exemption applicant harmless from any liability, damages, or claims arising out of injuries suffered by City personnel or consultants in the course of or related to the site visit.~~ Attached to the permit exemption request form shall be a risk assessment form that documents the hazard and which must be signed by a certified arborist or professional forester. ~~[The changes here address the presumably inadvertent effect of the 2006 amendments turning a specific tree exemption request into a general search warrant, contrary to Washington law. The changes here also ensure that when a site visit occurs in "rough" terrain including in the vicinity of hazardous trees, the applicant does not end up with personal injury claims against it from City staff or consultants who may be injured in connection with the site visit.]~~

g. No permit exemption request shall be approved until the Director reviews the submitted forms and either conducts a site visit or reviews the record and makes such inquiries as are



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~~determined necessary~~ -The Director ~~may direct that a peer review of the request be performed at the applicant's cost, and may require that the subject tree(s) vegetation be cordoned off with yellow warning tape during the review of the request for exemption.~~ Notwithstanding any other provision of this Chapter or Title, a request for exemption in connection with removal or reduction of a hazardous tree shall be deemed approved if the Director has not provided to the applicant a written decision approving or denying the request within ten days of the date of its submission. [As written in 2006 the exemption required a site visit by the Director himself, virtually unprecedented in the Code. The amendments here take a more regular approach allowing but not requiring such a personal site visit. The language concerning "peer review" has been deleted as redundant, unclear, and potentially overly burdensome. An applicant must already obtain a formal report by a certified arborist at some considerable expense. The City has the ability to engage its own qualified professional to "peer review" an applicant's submission. However, the applicant should not have to pay twice. If this provision remains, it will be one of several that place a strong disincentive on eliminating hazardous tree situations. That is an unwise and adverse consequence-laden policy for any city to adopt, including Shoreline.]

h. Approval to cut or clear trees ~~may only shall~~ -be granted given upon recommendation of the City approved arborist ~~that if it is determined that~~ -the condition constitutes an actual threat of injury to persons to life or property in homes, private yards, buildings, public or private streets and driveways, recreational areas or access trails, sidewalks, improved utility corridors, or access for emergency vehicles, ~~and any trail as proposed by the property owner and approved by the Director for purposes of this section.~~ [This provision as written in 2006 eliminated injury – as opposed to death – as a basis for hazardous tree abatement.

Presumably, the error was inadvertent, since risk of injury is well-recognized – and appropriately so – as a basis for action (did the City really mean to say that a limb that might paralyze but not kill was acceptable?) The strike-outs and additions here therefore restore injury as a basis for exemption. They also restore explicit recognition of the risks associated with recreational areas and access trails, two heavily used features that have characterized Innis Arden for half a century. If the Director wishes to contest whether a particular tree represents a hazard, that is one thing. But, the suggestion in the 2006 amendments that the Director can in his discretion decide that a particular area or trail is not entitled to be hazard free in the first place is an entirely different matter, crossing the line between reasonable regulation and a taking or arbitrary restriction on use. The City should therefore take this opportunity to correct this obvious error.]

i. The Director shall authorize only such alteration to existing trees and vegetation as may be necessary to eliminate the hazard and shall condition authorization on means and methods of removal necessary to minimize environmental impacts, including replacement of any significant trees. ~~The arborist shall include an assessment of whether a portion of the tree suitable for a snag for wildlife habitat may safely be retained. All work shall be done utilizing hand held implements only, unless the property owner requests and the Director approves otherwise in writing.~~ The Director may require that all or a portion of cut materials be left on-site. [The language concerning arborist evaluation of snag potential is stricken here and moved to subsection "e" above. The 2006 ban on elimination of hazards except by "hand held implements only" has been deleted as unreasonable and, in some instances, contrary to sound environmental practice. For example, ladders, cranes, or "buckets" are not handheld



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implements, but may sometimes be used to good effect. If the City is concerned about damage from a particular form of machinery, it would do better to specify performance standards for its use rather than impose a vague limitation to “hand held implements only” as a further burden on abating hazards.]

Reason for Amendment:

Please describe why the amendment is necessary.

With Regard to the proposed amendment for Critical Areas Stewardship Plans: Twenty years ago, the Washington Court of Appeals explicitly held that Innis Arden was platted and developed to capture sound and mountain views and therefore rejected attempts to prevent enforcement of the Innis Arden covenants requiring that trees be maintained in keeping with that purpose. Long before the City of Shoreline came into being, Innis Arden lots were oriented and homes were built in keeping with that purpose. The Innis Arden Reserves were planned and “developed” with trails and recreational features that were well-established by the time the City of Shoreline first came into being. Now, however, the City’s critical areas regulations fail to appropriately balance the property rights and obligations of owners of large parcels of open space as well as covenanted communities vis a vis the City. Such a balance must be restored and it is not impossible to do so. It occurred successfully in the Vegetation Management Plan prepared for Innis Arden’s Grouse Reserve and approved by the City several years ago. The proposed amendment provides a means of repeating that success, protecting Critical Areas while respecting pre-existing private property rights, and previous government approvals (the Innis Arden plats and covenants were all approved by King County).

With Regard to the proposed Hazardous Tree Exemption amendments: The necessity for these amendments is explained in the bracketed/highlighted annotations above.

Decision Criteria Explanation:

1. Please describe how the amendment is in accordance with the Comprehensive Plan.

The Comprehensive Plan, as does the GMA, encourages protection of critical areas in the context of existing property rights and the requirement for reasonable use. At this point, the City’s critical areas regulations are not informed by that context. Again, the proposed Critical Areas Stewardship Plan mechanism would advance Comprehensive Plan policies while striking a reasonable balance.



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With Regard to the proposed Hazardous Tree Exemption amendments: These amendments are more consistent with the Comprehensive Plan and the GMA than the current provisions which are not informed by individual property and recreational/open space area policies and principles.

2. Please describe how the amendment will not adversely affect the public health, safety or general welfare.

The purpose of the amendments is to reduce environmental impacts while promoting reasonable use of critical areas. The amendments would not as a practical matter reduce environmental protections. They would, on the other hand, enhance safety in some areas (presumably a public benefit) and ensure that regulations in the City's code were workable rather than aimlessly burdensome.

3. Please describe how the amendment is not contrary to the best interest of the citizens and property owners of the City of Shoreline.

While the vagueness of this inquiry is apparent, the Club believes that the Amendments will enhance the interests of these two groups. Clarification and streamlining of regulations is a public benefit as is modification of regulations that overly burden longstanding private uses and property rights. Further, failure to bring some semblance of balance to the situation will likely foster continuing controversy, which is also not in the public interest. Finally, adoption of the common sense remedial action requested by the Club will diminish the likelihood that a solution will be dictated by some outside body or tribunal.

Please submit your request to the City of Shoreline, Planning and Development Services Department.

Planning and Development Services
17544 Midvale Avenue North, Shoreline, Washington 98133-4921
Telephone (206)546.1811 Fax (206)546.8761 PDS@ci.shoreline.wa.us
The Development Code (Title 20) is located at mrsc.org
G:\PADS\Handout\MasterForms\Dev.Code.Amend. 01/01/07



Urban Forest Strategic Plan Public Comments
Additional Feedback Received
Jan 22-Feb 7, 2014

SMC 20.80.030.F.

Activities occurring on small slopes with a vertical elevation change of up to but not greater than 20 feet such as a natural slope, berm, retaining walls or excavations may be exempted based upon City review of a geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110 which demonstrates that no adverse impact will result from the exemption.

SMC 20.80.110

If uses, activities or developments are proposed within critical areas or their buffers, an applicant shall provide environmental reviews including site-specific information obtained by expert investigation and analysis presented in a report that conforms with the specific critical areas report guidelines approved by the Director. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100. Such site-specific reviews shall be performed by qualified professionals, as defined by SMC 20.20.042, who are approved by the City or under contract to the City.

SMC 20.80.220

A. Landslide Hazard Areas.

1. Landslide hazard areas are classified as follows:
 - a. Moderate Hazard: Areas with slopes between 15 percent and 40 percent and that are underlain by soils that consist largely of sand, gravel or glacial till
 - b. High Hazard: Areas with slopes between 15 percent and 40 percent that are underlain by soils consisting largely of silt and clay.
 - c. Very High Hazard: Areas with slopes steeper than 15 percent with zones of emergent water (e.g., springs or ground water seepage), areas of landslide deposits regardless of slope, and all steep slopes 40 percent or greater.
2. Steep Slopes are defined as follows:

Slopes of 40% or more that have a rise of at least 10 feet and exceed 1000 square feet in area. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least 10 feet of vertical relief.

 - a. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than 40 percent from slopes that are 40 percent or steeper. Where no distinct break exists, the toe of a steep slope will be determined by a qualified geologist or geotechnical engineer based on an examination of the site and relevant survey data. In the case of landslide hazard areas, steep slopes will be delineated in a geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110; and
 - b. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than 40 percent from slopes 40 percent or steeper. Where no distinct break exists, the top of a steep slope will be determined by a qualified geologist or geotechnical engineer based on an examination of the site and relevant survey data. In the case of landslide hazard areas, steep slopes will be delineated in a geotechnical report prepared by a qualified geologist or geotechnical engineer as described in SMC 20.80.110.



Shoreline's Urban Forest Strategic Plan

Draft Identified Key Objectives/Priorities

February 2014

1. Achieve climate-appropriate degree of tree cover, community-wide.
 - a. Currently mapped urban tree cover using satellite imagery and included in city-wide GIS.
2. Establish a tree population suitable for the urban environment and adapted to the regional environment. [age and species diversity, too]
3. Comprehensive inventory of the tree resource to direct its management.
 - a. Detailed understanding of the condition and risk potential of all publicly-managed trees.
 - b. Urban forest renewal is ensured through a comprehensive tree establishment program driven by canopy cover, species diversity, and species/age distribution objectives.
4. Develop and implement a comprehensive urban forest management plan for [private and] public property.
 - a. The ecological structure and function of all publicly-owned natural areas are protected and, where appropriate, enhanced.
 - b. Preservation and enhancement of local natural biodiversity, where appropriate.
5. Develop and maintain adequate funding to implement a city-wide urban forest management plan.
6. Employ and train adequate staff to implement city-wide urban forestry plan/program.
 - a. Ensure all city departments and other public agencies cooperate with common urban forestry goals and objectives.
7. At the neighborhood level, citizens understand and cooperate in urban forest management.
 - a. The general public understanding the role of the urban forest through education and participation. The urban forest is recognized as vital to Shoreline's environmental, social, and economic well-being.



Urban Forest Strategic Plan Draft Vision Statement

Updated February 2014

DRAFT VISION STATEMENT

Shoreline's urban forest is a healthy and cohesive ecosystem that is valued and cared for through community stewardship.

Definitions for Underlined Phrases:

Urban Forest – Need to define an urban forest and explain how it is a cohesive ecosystem.

Cohesive Ecosystem- A community of organisms – plants, animals, microbes – interact as a system. Biodiversity, disturbance, and succession are influences to the system. Key concepts include: wildlife habitat, dynamic system, corridors, both natives and non-natives, private and public vegetation make it contiguous and functioning as a system.

Community Stewardship – Active management using best management practices, by City and citizens alike.



Urban Forest Strategic Plan Draft Mission Statement

Updated February 2014

DRAFT MISSION STATEMENT

Shoreline is dedicated to protect and manage the vibrant urban forest to enhance its benefit to the environment and its contribution to the livability of the community today and for generations to come.

Definitions for Underlined Phrases:

Benefit to the Environment – Wildlife/birds/bees, air & water pollution filters, abate flooding/erosion, shade fish-bearing creeks.

Livability of the Community – Economic (property values, improve businesses), health and other social benefits; balance with other community values (solar access, land use, landscapes).



Memorandum

DATE: February 20, 2014

TO: Parks, Recreation and Cultural Services/Tree Board

FROM: Maureen Colaizzi, Park Project Coordinator

RE: **Park Development Project Update**
NE 195th Separated Trail Project,
Shoreline Pool Assessment

195th Street Separated Trail Project:

Your January 23rd packet included a summary of the NE 195th Separated Trail Project detailing project history, scope, and progress. John Vicente, Capital Project Manager, will present a summary report that will provide more detailed information and current status of the project at your February 27th meeting.

Shoreline Pool Assessment:

At your February 27th meeting, Geoff Anderson from ORB Architects will be presenting the final draft recommendations for short and long term recommendations for major capital improvements to the Shoreline Pool after completing the January 12th addition investigative work. Geoff will summarize the results from the January 12th investigative work and how that work confirmed scope items of the draft plan. Materials will be available at the meeting for your review and discussion.



DATE: February 20, 2014

TO: City Parks Board

FROM: Rosie O'Brien-Ochs, Neighborhood Coordinator

SUBJECT: Approval of Cleanscapes Award-Funded Project in Hillwood Park

Background:

In 2012-2013 the 4-Corners neighborhoods won a \$10,000 waste reduction award and two proposals were approved for funding by a resident representative committee. The larger project involved an artistic recycling center installed at Richmond Beach Park. The second smaller project included the purchase and installation of an informational kiosk in the 4-corners neighborhood, utilizing the balance of the funds remaining after the Richmond Beach Park Project installation was completed. The remaining balance for the second project is \$2600. The original intent was to locate the kiosk on Richmond Beach Shopping Center property, where all four winning neighborhoods agreed to post and maintain news about neighborhood events. Due to the property owner's change of mind about having the kiosk located on that property, the involved neighborhood leaders agreed to let Hillwood neighborhood have the kiosk for use in Hillwood Park, if approval could be obtained from the Parks Board for locating it there.

Project Approval Request:

Representing the 4-corners Cleanscapes winning neighborhoods, Hillwood Neighborhood leader, Ann Erickson, is authorized to request the Parks Board to approve the location of a locked Information Kiosk within Hillwood Park, to be used to promote neighborhood events from Hillwood, Richmond Beach, Richmond Highlands, and Innis Arden. Specific information about the kiosk construction and proposed dimensions of the kiosk are included in your agenda materials.

Preliminary discussions with Park Director, Dick Deal, indicate his general agreement with the idea, pending Parks Board approval. If the project is approved, the kiosk will be installed by Tube Art, Inc. within the next eight weeks and conditions of that installation will be coordinated with the Parks Department, meeting their usual installation criteria. Location of the kiosk will also be subject to Parks Department approval.

All costs for the purchase of the kiosk and its installation have been pre-approved by Cleanscapes and will be covered by the \$2600 remaining balance from the Cleanscapes waste reduction award. Thank you for your consideration of this request.



11715 SE 5th Street
Bellevue, WA 98005

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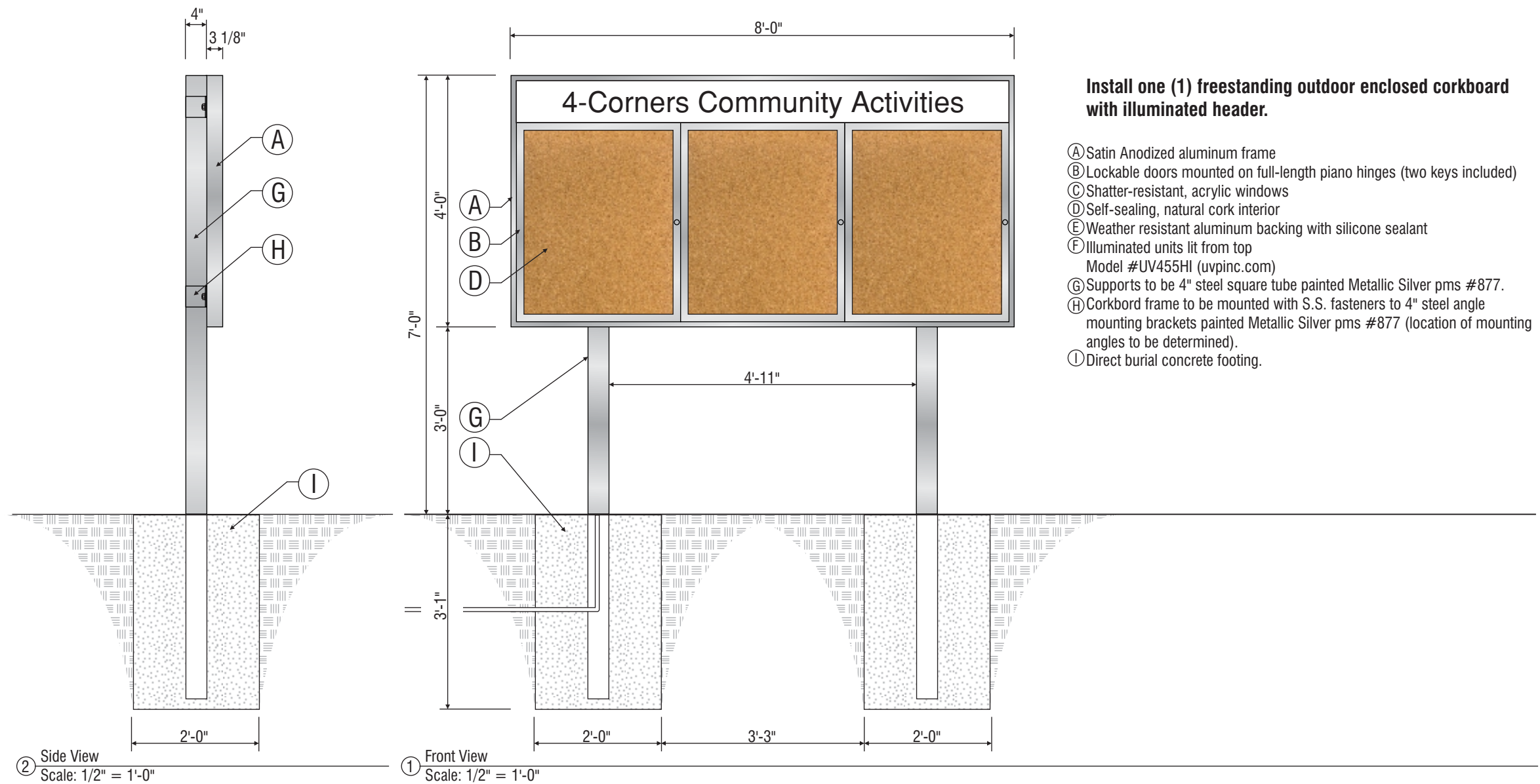
November 4, 2013
Date
February 20, 2014

☐ Approved
☐ Approved With Changes Noted

Date _____

4-Corners

This drawing is intended to provide a reasonable representation of the final manufactured article. Fasteners and seams in materials may not be represented exactly as they will be fabricated. Colors on prints may not accurately depict specific colors.



Sign in photo shown at approximate scale